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**Institutionalized Amnesia:
The (Mis)Representation of Paramilitarism in Colombia**

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Abstract

Institutionalized Amnesia: The (Mis)Representation of Paramilitarism in Colombia

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Colombian state and non-state actors are engaging in an important conceptual debate concerning the nature of a "new" type of armed group in the country. The state labels these groups "BACRIM" (criminal gangs), arguing that they are actors of organized crime. Members of civil society reject the state's conceptualization, arguing that these groups are paramilitaries operating in the context of the armed conflict. These organizations explain that "new" groups commit the same systematic human rights violations and adhere to the same *modus operandi* as the Autodefensas Unidas de Colombia, an umbrella organization of over 30,000 paramilitaries that the government supposedly demobilized in a 2005 negotiation. The state, in turn, argues that paramilitarism no longer exists in Colombia and that these "new" groups do not adhere to the counterinsurgent political ideology that was characteristic of paramilitarism. My research project is a nuanced analysis of the Colombian state and non-state debate concerning these "new" armed groups. I combine interviews with state and civil society representatives with historical contextualization in order to understand what is at stake in the positions that both sides are aggressively fostering in the debate. In conceptualizing

these "new" groups, many key informants engaged in a renegotiation of the state-formed historical memory concerning paramilitarism. An analysis of the trajectory of paramilitary activity reveals the protection of important elite economic and political interests as the driving force of paramilitarism; this paramilitary project fits within the goals of a state-sponsored economic process of capital accumulation. In utilizing the paramilitary label, civil society highlights these as the structural causes of paramilitarism. The state, in turn, attempts to cement its simplified definition of paramilitarism as a counterinsurgency project in removing the term 'paramilitary' from the official discourse. Furthermore, in erasing paramilitarism from the discourse, the state attempts to disassociate itself from a dark history of human rights violations against civilians. To fully understand the debate in Colombia is to understand more generally the power and weight of words in denouncing or, conversely, in silencing important issues of human rights and, ultimately, in accurately or inaccurately constructing historical memory of armed conflict.

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Chapter 1: Introduction

At a March 2011 Inter-American Commission hearing, I witnessed as human rights organizations and the Colombian state argued fervently over the nature of a “new” type of armed group in the country.¹ I attended the hearing as an assignment while interning with the Latin America Working Group, a human rights advocacy organization in Washington, D.C. On one side of the room congregated a handful of individuals representing different agencies of the Colombian government. Directly facing them sat various representatives of the most vocal and visible human rights organizations in Colombia. In the course of an hour, I watched as these state and non-state actors passionately disputed whether these “new” armed groups should be considered criminals and delinquents or whether they are paramilitary groups actively participating in the country's armed conflict.

The state representatives in attendance opened the hearing by collectively arguing that paramilitarism no longer existed in Colombia. Human rights organizations immediately rejected this claim, maintaining that paramilitarism does, in fact, continue to exist in the country under the inaccurate and misleading name of *bandas criminales* (BACRIM) or criminal gangs. The organizations elaborated by emphasizing that these groups commit the same systematic human rights violations and adhere to the same *modus operandi* as the AUC (Autodefensas Unidas de Colombia), an umbrella organization of over 30,000 paramilitaries that the government supposedly demobilized in a 2005 negotiation process (Grajales 166). The state quickly responded by explaining that criminal gangs were a completely different phenomenon, one that they characterized as organized crime. They argued that these armed groups primarily engage in drug

¹ In order to fully capture the contentious debate on the way in which these groups are labeled, I will use the term “new” armed groups, rather than adopting the state or civil society label.

trafficking and they do not have the distinct organizational structure and the anti-guerrilla political ideology that was characteristic of paramilitarism. It was only the time limitation of one hour that abruptly ended the aggressive back-and-forth between representatives of the state and civil society.

In the weeks following the Inter-American Commission hearing, I attended a meeting of the U.S. Senate Committee on Foreign Relations. Still reflecting on the intense debate I had witnessed, I was extremely surprised to hear a United States congressman praise Colombia as a model of security and respect for human rights in the Western Hemisphere. The congressman went on to declare the paramilitary demobilization process a complete success and commended the Colombian government's efforts at fighting the "war on drugs" and combatting organized crime. In the U.S. representative's discourse, there was not a single trace of the intense debate that was taking place between state and non-state actors in Colombia. I waited to hear a voice of dissent or protest against the congressman's speech, one that reflected the complexity of the debate I had witnessed; I only heard voices of assent and a deafening silence concerning the other side of the story. The U.S. Senate unquestioningly reproduced the Colombian state's discourse. This hearing, unlike the intense one I had attended just weeks prior, ended harmoniously.

In browsing through some of the most prominent newspapers in Colombia, I noticed that the media, too, reproduced the state discourse, utilizing the state-developed term of "BACRIM" to describe the "new" armed groups in the country. For the most part, none highlighted the argument for the possible continuity of the paramilitary phenomenon. A select few news sources suggested this side of the debate in passing, sometimes referring to "post-demobilization armed groups" or paramilitary "heirs," rather than criminal gangs. However, the mainstream media did not directly problematize the

complex conceptual divide between the state and civil society and the reasons for and implications behind the positions that different actors were aggressively fostering in this debate.

My research project is a nuanced analysis of the Colombian state and non-state debate on these "new" armed groups. It combines interviews with state and civil society representatives with a historical contextualization of the range of positions represented in the debate. Such contextualization entails not only an analysis of the way that "new" armed groups are represented, but also a conceptual analysis of the trajectory and history of the paramilitary phenomenon. Labeling without proper historical background proves insufficient in fully understanding the true nature of these "new" armed groups. I will contextualize the different positions expressed in the interviews in order to answer several questions. What are the reasons behind the disparate ways in which these "new" armed groups are labeled? What are the intermediate positions between the two extreme labels of BACRIM and paramilitarism? What do these intermediate positions imply about the complexity of these "new" armed groups and their relationship to paramilitarism? In tracing paramilitarism historically, do the motivations of the now-demobilized paramilitaries show a complete separation from actors of organized crime? Does the most widely accepted label of criminal gangs (BACRIM), promulgated by the state and reproduced by the media and international community, accurately capture the true nature of these armed groups? After examining the reasons behind the different positions concerning these groups and using historical contextualization to gauge the validity of the state and non-state conceptualizations, I will make clear the importance of problematizing the dominant label of criminal gangs or BACRIM. To this end, I will show how the ways in which these groups are labeled define the legal course of action taken against them. A contextual analysis of the *modus operandi* of these groups is essential in determining

whether these "new" armed groups commit human rights violations or whether the illicit acts they commit can simply be considered acts of common crime. If these groups are, indeed, generating human rights issues, I will show how labeling is essential in determining whether these violations are either highlighted and legally prosecuted or completely ignored. To fully understand the debate in Colombia is to understand more generally the power and weight of words in denouncing or, conversely, in silencing important issues of human rights and, ultimately, in accurately or inaccurately constructing historical memory of armed conflict.

While my project will show the importance of naming in the legal prosecution of human rights violations in the Colombian context, it will also underscore the limits of such labeling and the necessity of contextualization in accurately understanding the nature of paramilitarism and of "new" armed groups. Such contextualization means understanding the long-standing structural issues that fuel the violence engendered by these armed actors. An analysis of the debate through in-depth interviews shows that the dichotomy between criminal gangs and paramilitarism, based on a complete separation between common crime and political crime, is a false one. Using the interviews as a starting point, I will conduct a nuanced analysis of the history of paramilitarism, showing how this label's common political associations do not fully capture the phenomenon's complex and multifaceted nature.

In their explanations of the phenomenon of "new" armed groups and its links to paramilitarism, actors putting forth alternatives to the official state discourse seem to renegotiate the historical memory concerning paramilitary groups, countering the hegemonic state discourse that has historically shaped the conceptualization of paramilitarism. By shedding light on the economic and political structures that have fueled paramilitarism throughout its long history in the country, they are better able to

illustrate the ways in which these factors continue to be relevant in the current era. The dominant state-constructed account conceptualizes paramilitary groups as ones created and expanded mainly in response to guerrilla groups. However, alternate accounts understand the paramilitary phenomenon as the long-standing practice of utilizing private armies to protect the interests of groups such as landowners, entrepreneurs, and narcotics traffickers with the direct and indirect complicity of the state. In short, while the official historical account portrays paramilitarism as a purely ideological project, a nuanced analysis reveals the protection of political and economic interests as the main catalyst of paramilitary activity. Key informants inserted this project into a broader state-backed ideological and political process of violent capital accumulation. I will use the case study of Colombia to underscore the importance of contextualization in understanding the variegated and long-standing structures that fuel violence. More nuanced accounts of violence and its perpetrators allow for the development of more appropriate strategies and responses for dismantling the structures that engender such violence.

THE POWER OF LABELS

According to Tony Evans, a political scientist specializing in issues of international human rights, discourses "lend structure to our experiences and to the meanings we give to our experiences" (1049). This structure translates into a shaping of reality in the sense that discourses can incite specific actions. As Evans explains, discourses "provide sets of values and beliefs that inform our social responses and actions" (1050). In the context of the Colombian debate on paramilitarism, this means that the way in which perpetrators and their actions are labeled is extremely important in determining the way that the illicit acts they commit, such as human rights violations, are prosecuted and addressed or, in some cases, completely ignored. Legal experts Chalmers

and Leverick apply this idea to criminal proceedings, explaining that "offence names communicate information about the offender to a number of different bodies--- the public, agencies operating both within and outside the criminal justice system-- and...members of these groups may form opinions or make decisions about the offender that turn on the information received" (238). In other words, labeling translates into specific courses of action with significant implications. In the more precise case of violence, naming immediately defines positions concerning such violence and determines the policies and actions that state and society will utilize to address it (Rueda 129).

Applying this concept to the Colombian context shows how the labels of 'BACRIM' and 'paramilitaries' incite contrasting social and legal responses. In naming these groups "criminal gangs," the government inherently places them in the category of organized crime or delinquency, arguing that they "lack the central structure and ideological base" of paramilitaries (Porch and Rasmussen 530). The common distinction between political and common crime proposes that "participants in organized crime are motivated by their pursuit of profit, while armed insurgent groups use profits from crime as a means to support their political goals" (Saab and Taylor 457). Following such a definition, the government label of BACRIM discards the possibility of an ideological or political project as foundational to these armed groups. Additionally, because political crimes are more closely associated with human rights violations, this label automatically diverts attention from the possible human rights issues these groups may engender. In general, acts that are classified as human rights violations gain increased visibility, while illicit acts categorized as organized crime or common delinquency are quickly forgotten (Godoy 620). In other words, such a label can severely limit human rights victims' access to justice. Sociologist and human rights expert Angela Godoy gives specific examples in the case of human rights violations in Guatemala, describing circumstances in which the

government deliberately misclassified various assassinations with political implications as acts of common delinquency and, in this way, underplayed the gravity of the human rights violations that these acts represented (620).

The word 'paramilitarism,' in turn, creates a direct link with a distinct historical phenomenon in Colombia. Naming these "new" groups "paramilitaries" automatically suggests that these groups do, indeed, commit human rights violations. Moreover, the label places particular emphasis on these violations, since paramilitaries notoriously committed approximately eighty percent of the human rights violations against civilians in the country (Hristov, "Legalizing the Illegal" 12). The ideological and political aspects that civil society associates with paramilitarism also underscore a connection to human rights issues. Referring to the current phenomenon of "new" armed groups, human rights groups claim that these actors show clear ideological stance in that they replicate the activities of paramilitaries and use "murder, torture, rape, and disappearances" to "persecute social movements" (Hristov, "Self-Defense Forces, Warlords, or Criminal Gangs?" 29). Additionally, paramilitary activity implies the complicity of "the state apparatus" in human rights violations (23). Such involvement is an essential aspect of the very definition of a human rights violation (Godoy 621). In this sense, the 'paramilitary' label brings increased visibility to human rights violations and the state's complicity in these violations. Nonetheless, the paramilitary label's human rights implications are highlighted by a less visible civil society. It is the state that has defined the most common conceptualizations of the paramilitary label, simplifying the phenomenon to a violent ideological response to guerrilla groups.

Given the starkly different social and legal consequences that each label entails and the power of the state in defining discourse, going beyond simple classification to nuanced contextualization is essential to appropriately addressing "new" armed groups,

accurately placing responsibility on all culprits, and responding to the human rights violations these groups potentially commit. If "the ways we think and talk about a subject influence the ways we act in relation that subject," then actively problematizing the discourse is an extremely important step in properly and holistically addressing "new" armed groups in Colombia (Karlberg 1).

On the surface, the debate suggests a complete separation between political crime and organized crime. Nonetheless, while all organizations interviewed made an explicit link to the previous phenomenon of paramilitarism, their descriptions and conceptualizations of these "new" armed groups reflected a belief in the fusion between common and political crime. Such a fusion, they argued, has been characteristic of paramilitarism since its inception. For key informants, analyzing the phenomenon of "new" armed groups also necessitated a renegotiation of the historical memory concerning the paramilitary phenomenon. The key informants interviewed countered the state discourse on "new" armed groups by analyzing the motivations and structures that fueled paramilitarism in the country, disputing the historically established notion of paramilitarism as a political project with the ultimate end of defeating the guerrilla. The word "paramilitary" is, in itself, problematic and cannot capture the continued contention concerning the nature of these armed actors. The official discourse posits paramilitarism as a phenomenon defined by its counterinsurgency motivations, while many civil society organizations interpret paramilitarism as grounded in the protection of elite political and economic interests. For civil society, protecting such interests has always involved a fusion between political and organized crime, the widespread violation of human rights, and the involvement, whether by action or omission, of the state. In an article examining the similitudes and differences between criminality and armed groups, scholars Saab and Taylor give the example of Colombian paramilitary groups, showing how these groups'

involvement in drug trafficking, extortion, and kidnapping makes "the distinction between organized political criminals and criminal organized criminals...increasingly problematic" (qtd. in 470). In reexamining the history and structural motivations of paramilitarism, which debunk the notion of countering the insurgency as the primary catalyst of paramilitarism, the core argument sustaining the government's distinction between the BACRIM and paramilitaries becomes problematic. However, such a connection is difficult to understand solely through a surface analysis of discourse and labeling.

Scholars that study the legal repercussions of the process of labeling argue that naming constrains the language to one that is "realist and legalistic," and "engage[s] in a decontextualization of events" that excludes the narrative essential to understanding "the motivation and intentionality of actors" (Wilson 134). In the Colombian context, the debate is reduced to a question of political crime versus common crime or delinquency, without any possible alternatives. Additionally, labeling is problematic because, as Tony Evans emphasizes, the "social world described by discourses always involves power relations" (1050). The Colombian media's silence in terms of the debate concerning these "new" armed groups and their passive acceptance of the state label of BACRIM underscores the power of the government in defining dominant societal perceptions. The hegemonic discourse, produced by the state and reinforced by the media, exemplifies the government's power to "exclude, marginalize, silence, and prohibit alternatives" (Evans 1050). The Colombian state's monopoly on naming these "new" armed groups is also indicative of its power in forming the historical memory concerning paramilitarism.

Even brief examples of the beginnings of the modern paramilitary phenomenon show how the protection of private interests has always been the true motivation of paramilitarism, concealed behind the counterinsurgent discourse that defines the societal

understandings of these groups. Founded in 1981, the MAS (Muerte a Secuestradores or Death to Kidnappers) was the first modern expression of paramilitarism in Colombia. While founders claimed to create this paramilitary group to persecute guerrilla members who were kidnapping the families of narcotraffickers, members quickly began persecuting innocent civilians, including independent journalists, human rights defenders, judges, and labor unionists who denounced their actions ("Muerte a Secuestradores MAS").² It is an alliance of politically and economically influential groups that made up the MAS, including powerful narcotics traffickers, landowners, politicians, businessmen, and a foreign oil company (González 13). The alliance also included significant participation of the state, particularly high-ranked members of the armed forces ("Muerte a Secuestradores MAS"). The composition of the group is in itself indicative of the private interests that the group aimed to protect. The dominant presence of narcotics traffickers trumps the government definition of paramilitarism as a unidimensional counterinsurgent political phenomenon. As the example of the MAS shows, modern paramilitarism was engendered in the context of the drug trade (Fernández 121). The phenomenon demonstrates how a fusion between political crime and organized crime has been characteristic of the paramilitary phenomenon since its earliest modern expression. In silencing alternative historical interpretations of paramilitarism and monopolizing the definition of the phenomenon, the state is able to obscure this historical fusion and its own role in the exacerbation of violence. By deliberately misconstruing the historical memory concerning paramilitarism, the state conceals the connections between the previous phenomenon and the "new" one, the structural economic and political

² The example of the MAS will be addressed in more detail in Chapter 2.

motivations that continue to fuel these groups, and its own important role in powering the armed conflict.

Reexamining the ideological, political, and economic structures of paramilitarism is crucial to understanding the connections between the current phenomenon and the previous one. The interviews present alternative interpretations that challenge the hegemonic state discourse, delegitimizing the separation between political and common crime and showing how violence that is labeled "delinuencia cloak[s]...forms of violence with important political implications" (Godoy 605). In this case, disassociating violence from its long-standing and systematic motivations makes violence appear inchoate, and does not accurately expose the specific structural, economic, and political interests that fuel it. This, in turn, allows the violence to continue.

RESEARCH METHODOLOGY

A keen interest in human rights, a discomfort in unwittingly accepting the hegemonic discourse of criminal gangs, and an observation of the need for a more nuanced understanding of the long-standing structural causes of the manifestations of violence in Colombia are the inspiration for this research project. To this end, I traveled to Bogotá and Medellín from June to August of 2012 and conducted fourteen interviews with human rights organizations, an intergovernmental organization, state representatives, and journalists, all actors that actively participate in the state and civil society debate. Out of the total of fourteen, eight interviews were with representatives of Colombian human rights organizations. These included the Corporación Nuevo Arcoiris, Centro de Investigación y Educación Popular (CINEP), Comisión Intereclesial de Justicia y Paz, Grupo Interdisciplinario por los Derechos Humanos (GIDH), Instituto de Estudios de Desarrollo y Paz (Indepaz), Comisión Colombiana de Juristas (Coljuristas), Colectivo

de Abogados José Alvear Restrepo (Colectivo), and Fundación Ideas para la Paz (FIP). I also interviewed the head of the Impunity Section at the Colombian Office of the United Nations High Commissioner for Human Rights. Other civil society informants included two journalists, both representing the online news source Verdad Abierta, a website dedicated primarily to analyzing and reporting on paramilitarism in Colombia. I also interviewed a representative of the Colombian Human Rights Ombudsman's Office, a mediating organization between state and civil society focusing solely on human rights issues in the country. Finally, I conducted interviews with two state agents: one a representative of the human rights sector of the Colombian Presidency and the other a *fiscal* (judge) based in the Justice Department (Fiscalía) of Medellín.

As the distribution of the interviews shows, I captured more of the non-state perspective on the "new" armed groups than the position of the Colombian government. In part, this was based on my previous experience in human rights work and a more developed network of contacts in the field.³ Additionally, human rights organizations were extremely open to granting me an interview. In contrast, it was extremely difficult to establish contact with state agencies. Among the state institutions I contacted were the Ministry of the Interior, the Colombian National Justice Department, the Justicia y Paz section of the Justice Department, the National Police, the Antioquia Departmental Police, the Criminal Investigation Department of the National Police (SIJIN), and the Office of the Inspector General. I received no affirmative response from any of the individuals I contacted in these agencies. In some cases, I was told that the BACRIM was not in their area of expertise. In other instances, the process for scheduling an interview

³ I established many of my contacts through the Latin America Working Group and through the director of the UT Austin Law School Human Rights Clinic, Ariel Dulitzky, whose established trajectory in the field of human rights in Latin America was invaluable in my ability to approach many individuals in the Colombian human rights network

was highly bureaucratic, and my limited time in the country did not allow enough time to navigate this bureaucracy.⁴ In most cases, however, agencies remained completely silent; I received no response at all.

While I was able to speak with two individuals who worked in government agencies, they were clear in distancing themselves from their official posts, speaking personally rather than on behalf of the agency they represented. Fabio Ruiz, the representative of the human rights sector of the Presidency, stressed various times throughout the interview that he was speaking as a sociologist and that his analysis did not represent the opinion of the Presidential Program on Human Rights. The judge that I interviewed in Medellín insisted that we not meet in the Fiscalía; she did not allow me to record the interview and asked to remain anonymous. She informed me that she was extremely critical of the Justice Department and the government in general and was fearful of the possible repercussions of openly speaking out against them. I came into contact with her through the director of one of the human rights organizations participating in my research project, the Grupo Interdisciplinario por los Derechos Humanos in Medellín. In general, the *fiscal's* positions aligned with those of human rights organizations. In sum, my interviews with state officials did not truly represent the official state positions on paramilitarism and "new" armed groups. Nonetheless, the silence on the part of the state is, in itself, significant and I will address it later in this work. In any case, the interviews with the two state officials provided valuable insight into the reasons behind the state discourse on the paramilitary phenomenon and "new" armed actors. I will supplement my limited state interaction by utilizing information in

⁴ For example, the individual I contacted in the office of the National Police in Bogotá informed me that I needed to submit a formal request for an interview. However, he stressed the fact that the office received 500 information requests per day and told me that I was unlikely to hear back before my departure. I submitted the request, but as of the time of this writing, I had not received any communication from the National Police.

official government documents and secondary sources in order to represent the state position.

ORGANIZATION OF CHAPTERS

In Chapter Two, I will utilize the interview data as the basis for a detailed historical analysis of paramilitarism in Colombia, focusing on the economic and political structures that fuel the phenomenon.⁵ In Chapter Three, I will use the interviews as a starting point for an examination of the effectiveness of the paramilitary demobilization process and analyze the "new" armed groups in relation to paramilitaries, demonstrating how the same political and economic structures drive the actions of both groups. Finally, in Chapter Four I will conclude by stressing the importance of more detailed contextualization, rather than a tacit internalization of the dominant discourse, in developing a more accurate historical memory of the ongoing conflict in Colombia and in dismantling the structures that fuel violence in the country. Through this research project, I will contribute to a more rigorous and nuanced examination of the nature of paramilitarism in Colombia in order to ensure that the ways in which the phenomenon is conceptualized and represented reflect the political and economic structures that sustain it, the serious human rights issues that it engenders, the state's complicity, and its continued relevance in the current era.

⁵ All direct quotes taken from the key informant interviews conducted by the author in Bogotá and Medellín will be presented in their original Spanish version.

Chapter 2: Paramilitarism in Retrospect

CAPITAL ACCUMULATION

I met with journalist Juan Diego Restrepo at *Unicentro*, a noisy and crowded shopping center in the busy *Conquistadores* neighborhood of Medellín. As we sat drinking an afternoon *tinto*, I asked about his background and specific coverage of the armed conflict. He described his investigative work with Verdad Abierta, an online portal specializing in conflict reporting. The organization's main focus is the monitoring and analysis of the Justice and Peace process, which guided the demobilization of paramilitaries in 2005. Taking advantage of his specialized knowledge of the peace process, I asked him to describe the differences between the "new" armed groups--known officially as BACRIM--and the supposedly demobilized paramilitary groups. He replied saying that there was significant continuity between the two phenomena and rejected the state's characterization of the BACRIM as actors whose motives are completely different from those of paramilitaries. He criticized the way in which the state conceptualizes the BACRIM in direct opposition to paramilitarism and rejected the state claim that these "new" armed groups are more involved in narcotics trafficking and other activities of organized crime than paramilitaries. Restrepo's critique was also historical; he contested the conceptualization of paramilitaries as a purely political phenomenon dedicated to combatting guerrilla groups. Summarizing his skepticism concerning the state's argument for the criminal nature of the BACRIM in opposition to the purely counterinsurgent political nature of paramilitaries, he stated:

Las AUC también fueron narcos. La gran discusión que hay con el gobierno nacional es que le [atribuyan] a las Bacrim un negocio que las AUC también tenían. ¿Cuál es el cambio ahí? Ninguno! ¿Dónde están los jefes de las AUC? Condenados por narcotráfico. ¿Entonces como así que las BACRIM son narcotráfico y las AUC no? El negocio se mantiene en las estructuras armadas ilegales.

Restrepo's assertion echoed an interview I had carried out two weeks earlier, but in an extremely different setting. At that meeting, I sat drinking my *tinto* in a small and quiet conference room. To my left was a wide window through which I could see a large stone courtyard. A short distance beyond it, I had a clear view of the Casa de Nariño, Colombia's presidential palace. I sat in the main offices of the Presidencia, the Colombian executive branch, in the bustling capital city of Bogotá. Directly facing me was Fabio Ruiz, a bookish and energetic young professional working with the Presidential Program on Human Rights. With the patriotic fanfare of the band of the Presidential Guard blaring at an outdoor ceremony at the neighboring Casa de Nariño, Fabio Ruiz stated:

Una opinión más como sociólogo que funcionario público...los paramilitares eran una estructura armada que con *pretexto* de combatir la guerrilla lo que estaban haciendo era buscando controlar una serie de negocios [emphasis added].

Ruiz's opinion was extremely important, showing a clear break with the official state discourse, which cemented the idea of paramilitary groups as a purely ideological phenomenon in response to left-wing guerrillas. By having to distance himself from his state affiliation, he recognized that he was contradicting the official position on paramilitarism through his claim. His detached stance as a sociologist rendered his criticism and questioning of the discourse more objective, giving the statement more credibility. In a similar manner, civil society interviewees reflected on and rejected the state-formed account of paramilitarism in Colombia. As the information from the interviews shows, the debate concerning the nature of "new" armed groups symbolized an opportunity to problematize and offer alternatives to the official historical interpretation of paramilitarism.

The following chapter will review the history of paramilitarism in Colombia according to the alternative discourses that interviewees presented. The analysis will

focus on the economic and political structures of paramilitarism, as put forth through these conceptualizations. Such an analysis will problematize the political crime and organized crime dichotomy that the state posits as the defining difference between paramilitaries and "new" armed groups. The alternate discourse reveals the political and economic motivations that have historically fueled paramilitary activity, which can be understood in terms of a larger political project that directly involves the state. Such an analysis is crucial in understanding the connections between the previous phenomenon and the current one. Presently, it is the state that monopolizes the semantics defining the limits of the debate. If society understands paramilitarism as a counterinsurgent political project and passively accepts the BACRIM as a phenomenon of organized crime, then the deeply rooted and systematic connections between the two phenomena are nearly impossible to recognize.

When I entered the offices of the Comisión Intereclesial de Justicia y Paz in Bogotá, I immediately witnessed the type of human rights advocacy work that characterizes the organization. I observed as a staff attorney welcomed two women who arrived in the city from a rural municipality. They wanted to file a claim for restitution of their land, from which paramilitary groups had forcibly displaced them. In my interview with Abilio Peña, a representative of the organization, he confirmed the NGO's emphasis on the issue of forced displacement and Justicia y Paz's work in accompanying communities that are in rural areas vulnerable to violence and displacement. Peña explained to me his conceptualization of the paramilitary phenomenon, calling it a historically economic strategy. Reinaldo Villalba, an attorney from the vocal organization Colectivo de Abogados, seemed to further explain Peña's assertion, defining paramilitarism as "una estrategia de estado para lograr propósitos esencialmente económicos de despojo, de desplazamiento de población para favorecer los grandes

capitales." Villalba defined paramilitarism as a phenomenon based on the execution of a process of capital accumulation. His description implied the insertion of the phenomenon into a larger state-backed economic project. Like Villalba, many other informants connected paramilitarism and its violent practices to the logic of capital accumulation. The neoliberal project is the articulation of this process in the most recent expressions of the paramilitary phenomenon. By underscoring the systematic economic interests that have historically fueled paramilitarism, informants' alternate discourses emphasized state complicity in the phenomenon and the ways in which organized criminal activities and human rights violations are inserted in a broader state-sponsored project in defense of elite economic interests.

In the first volume of his seminal work, *Capital*, Karl Marx underscores the importance of violence to capital accumulation, explaining that "capital comes dripping from head to foot, from every pore, with blood and dirt" (834). He goes on to explain the longstanding practice of utilizing violence as a means for capital accumulation, describing "the robbery of the common lands, the usurpation of feudal and clan property, and its transformation into modern private property under circumstances of reckless terrorism" as "methods of primitive accumulation" (805). Marx goes on to explain that this violent consolidation of land ownership into the hands of a few proprietors ultimately serves practices of "capitalistic agriculture" (805). The system of capital accumulation is one that favors private interests and unbridled profit. As Villalba expressed, these longstanding practices of accumulation of capital have been a trademark of paramilitary activity since its earliest expressions. Most recently, it is the neoliberal project that is the modern manifestation of capital accumulation and the violent practices that accompany it.

NEOLIBERALISM AND ACCUMULATION BY DISPOSSESSION

Neoliberalism is an economic system that promotes notions of individual entrepreneurship and unbridled economic growth (Peet, "Neoliberalism"). According to David Harvey, this system "proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade" (*A Brief History of Neoliberalism* 2). The process discourages state regulation and encourages private enterprise, placing emphasis on "competition over cooperation and in doing so encourag[ing] each individual to pursue his or her own well being" (Sukys 4). While neoliberalism's projects and policies are economic in nature, the ideas that found it are deeply political and ideological. In defending the project, proponents describe the system as universally beneficial, arguing that "market forces of supply and demand allocate resources efficiently in the long run, in the sense of minimizing costs and maximizing consumer satisfaction" (Peet, *Unholy Trinity* 5). Economically, the promotion of individual entrepreneurial freedoms and competition translates into the advancement of an "outward-oriented, export economy" that is organized through markets along with privatization and free trade (14). As these specific policies show, profit, efficiency, and competition are the guiding principles of the neoliberal process. Despite the primacy of the free market, the state has an important role in creating the institutional conditions to promote such a system. As Harvey argues, the state must secure the "military, defense, police, and legal structures...to secure private property rights" and "guarantee by force, if need be, the proper functioning of markets" (*A Brief History of Neoliberalism* 2). In short, the state is an extremely important player in assuring the optimal conditions for the implementation of neoliberal policies. In the particular case of Colombia, the state has been formally endorsing and applying

substantial neoliberal reforms since the early 1990s, committing to a program of market liberalization as a condition for loans (*The Struggle for Workers' Rights* 8).

Despite proponents' claims that the policies characteristic of neoliberalism lead to an economic situation that benefits everyone, critics of the neoliberal model argue just the opposite, saying that the economic system is ultimately one that harms many and benefits a select few. Scholars argue that violence is an important part of the neoliberal project and imperative in securing maximum growth and profit. The process of "accumulation by dispossession," a term coined by David Harvey, is one of the visible manifestations of violence resulting from neoliberal policies and practices. The term refers to a process of accumulation of goods or commodities through "predation, fraud, or violence" (Harvey, *The New Imperialism* 144). Harvey adapts this definition directly from Marx's description of violent "primitive accumulation" in the capitalist system, effectively showing how the neoliberal project is the continued manifestation of established processes of capitalist accumulation. In direct continuity with the specific practices of primitive accumulation that Marx describes, accumulation by dispossession includes "the commodification and privatization of land and the forceful expulsion of peasant populations" (Harvey, *The New Imperialism* 145). The neoliberal process is one of "creative destruction," required to make way for a completely "new infrastructure for market-oriented economic growth, commodification, and the rule of capital" (Brenner and Theodore 362). In Colombia, the extension of neoliberal reform through liberalization and decentralization in 1990 coincided with an intensification of paramilitary violence characterized by egregious human violations against civilians (Forero 15). More specifically, historical practices of capital accumulation by dispossession, including violent land-grabbing and internal displacement committed by paramilitaries, worsened in the context of the increased focus on the protection and promotion of private interests intrinsic to the neoliberal process

(Hristov, "Legalizing the Illegal" 14). In essence, violence is a practice that is in line with capitalist and neoliberal logic, being the most efficient process for creating a business climate that is optimal for the implementation of policies that favor privatization and growth for the benefit of a small but powerful elite (Harvey, "Time Space Compression" 86). Because the state is an essential player in establishing this optimal climate, it is inherently complicit in the violence that capital accumulation generates.

By connecting paramilitarism to the principles and values that characterize long-standing practices of capitalist accumulation, interviewees emphasized the complicity of the state in the human rights violations that result from paramilitary practices of accumulation by dispossession. Through a contextualization of paramilitarism that challenges the phenomenon's most common connotations, informants contested the state's hegemonic position in the construction of the historical account of the civil conflict.

HISTORICAL PATTERNS OF PARAMILITARISM

In hushed tones, seemingly worried that her words could be heard through the office walls, a *fiscal* working in the Fiscalía of Medellín asked me not to audio record our interview or note her name in my research. We met in the offices of the Grupo Interdisciplinario por los Derechos Humanos in order to ensure her safety. The director, María Victoria Fallon, was a friend of the *fiscal*. Before we began the interview, the *fiscal* explained to me the source of her fear. She was under constant threat because of the harsh sentences she gave to individual members of paramilitary groups and because of her resistance to taking part in corrupt practices in the Fiscalía. While I am certain that she told me her first name at the time, I did not write it down, and even at the time of this writing, I cannot recall it. She is, even to me, completely anonymous. She told me that this anonymity was an essential condition for her ability to be sincere. Her candidness

was evident from the start of the interview, when she called paramilitarism "un proyecto para-estado," suggesting the state's institutionalized connections to paramilitary groups.

The Colombian Commission of Jurists (Coljuristas), an organization active in litigating Colombian human rights cases in national and international courts, echoed the *fiscal's* assertions. The organization's representative, attorney Federico Andreu, described paramilitaries as originally "organizados por el ejercito [y] el estado." As various informants remarked, the idea of arming the civilian population was a recommendation from the United States during the Cold War. Recent research shows that "Washington pressured the Colombian government to adopt a paramilitary strategy towards those challenging Capitalism's right to assert economic and political hegemony" (Zarate-Laun 4). As the trajectory shows, paramilitarism has, since its inception, been grounded in the defense of private economic interests, ones that correlate directly with the capitalist logic historically encouraged and promoted by the state.

Recent analyses of the earliest manifestations of paramilitarism, which predate the Cold War and the emergence of guerrilla groups, support this interpretation of the original motivations of paramilitarism as entrenched in the protection of private interests, with the overwhelming support of the state. These expressions of paramilitary violence occurred in the *Violencia* period, a decades-long bloody era of violence in the country most commonly understood as an ideological war between the liberal and conservative parties. In her analysis of *La Violencia*, historian Mary Roldan contests the dominant historical account of the period, saying that "mid-twentieth century violence was not the spontaneous result of inherent local partisan conflict but was rather consciously spear-headed by selective sectors of the regional state or tacitly encouraged by local bosses to advance interests that had little or nothing to do with ideological differences" (286). She goes on to argue that these interests were largely private, and centered mainly on gaining

or maintaining control of land and valuable natural resources (292). Furthermore, she emphasizes the role of the state in advancing or supporting these interests. In essence, Roldan describes a process of capitalist accumulation in the violence perpetrated by armed groups during the *La Violencia* era and, similar to the informants, challenges the state-formed discourse that centers on political ideology as the primary force behind violence.

Historian Edgar Velásquez Rivera more specifically analyses the role of paramilitarism during the *Violencia* era. He gives the example of the emergence of paramilitary groups known as *pájaros* during this period, and attributes their existence to elites' need for violence in acquiring and maintaining ownership of land and their privileged economic positions, all in complicity with state authorities (Velásquez 137). Such practices illustrate the violent processes of expulsion of populations that Marx describes, which create "great landed proprietors" (814). As Velásquez emphasizes, paramilitarism was an essential agent in the process of capital accumulation during the *Violencia* era.

In our interview at his organization's offices in Bogotá, Teófilo Vásquez of the Centro de Investigación y Educación Popular (CINEP) explained to me the forces behind more modern expressions of paramilitarism in Colombia. He said that, "las elites locales atajadas tanto a economías legales como a economías ilegales [necesitan] para apuntalar su orden social, su coerción y su acaparamiento de oportunidades...de grupos armados." Vásquez's argument concerning paramilitarism directly echoed Velásquez's description of the driving force behind paramilitary groups during the *Violencia* period. Vásquez argued that paramilitaries fulfill an important demand, one that is completely linked to

the protection of the legal and illegal economic interests of various groups of elite actors.⁶ The following sections will elaborate more specifically on the licit and illicit economic interests that have historically fueled the violent actions of paramilitary groups in Colombia.

I interviewed key informant Carlos Prieto of the Fundación Ideas para la Paz (FIP) in the offices of his organization in Bogotá. He is the head of the Conflict and Peace division of the organization, which examines and monitors the actions of both guerrilla and paramilitary groups in the country. Prieto's analysis of the paramilitary project centered on the phenomenon's expressions in the early 1980s; he described these groups as "el brazo armado de los carteles." Prieto's analysis underscored the historically important role of narcotrafficking, classified as an act of organized crime, to paramilitary groups' *modus operandi*. In a busy news office in the center of Bogotá, journalist Cesar Molinares, the editor of the news source Verdad Abierta, echoed Prieto in explaining that modern paramilitarism was born as a phenomenon sponsored by narcotrafficking.⁷ Molinares cited the example of the group Muerte a Secuestradores (MAS), defining it as a conglomeration of narcotics traffickers, businessmen, and landowners that formed a private army with the pretext of defending themselves from the guerilla. The November 1981 kidnapping of Martha Nieves Ochoa incited the creation of this paramilitary group. She was the sister of Fabio, Jorge Luis, and David Ochoa, all members of an economically elite family involved in the horse-breeding business. The three Ochoa brothers were also prominent members of the Medellín Cartel, Pablo Escobar's powerful

⁶ The validity of Vásquez's statement seems to be supported by CINEP's work. The organization has been keeping a comprehensive database of human rights violations committed by state and non-state actors since the early 1980s. Vásquez's twenty-year tenure at this organization has allowed him to learn to recognize the patterns and structures of violence in Colombia.

⁷ The similarities between Molinares' and Prieto's arguments are unsurprising. Verdad Abierta is a project sponsored by the FIP.

narcotrafficking organization. The MAS' economically elite membership, the strong presence of actors of organized crime, as well as their indiscriminately violent actions, quickly disqualified the supposed counterinsurgent ideology of the group. The MAS not only targeted guerillas, but also journalists, judges, human rights defenders, and labor unionists who denounced their violent and illicit practices ("Muerte a Secuestradores MAS").

Prieto of the FIP went on to describe the composition of what he termed the second generation of paramilitary groups. During the mid-1990s, paramilitary leaders and brothers Carlos and Vicente Castaño led the consolidation of localized paramilitary groups into the United Self-Defense Forces of Colombia, more commonly known as the AUC. Carlos Castaño claimed that the AUC had a clear political project focused on combating insurgent guerrilla groups (Chernick). All of the informants questioned the legitimacy and sincerity of this counterinsurgent project as the motivation of the AUC. They conceptualized these armed groups as ones fueled by the protection of private interests, emphasizing these actors' particular investment in the narcotrafficking business. Fabio Ruiz was cynical in his analysis of the motivations of the AUC and its leadership, explaining that "Los Castaño eran narcotraficantes puros y de pronto resultaron siendo grupos de autodefensa de extrema derecha con posiciones políticas!" Ruiz went on to question the frequently cited personal motivations of the AUC, saying that anyone who truly understands the situation in Colombia will not believe the often-told story of "lo fuerte que fue la guerrilla contra [las] familias [de los Castaño] o cómo vivieron la extorsión, el secuestro, el asesinato de familiares y por eso ellos tienen resentimiento contra la guerrilla y están luchando por un país libre." Proponents of the official discourse concerning historical paramilitarism often cite the Castaño family's history with the guerrilla in support of the claim that counterinsurgent ideology was the brothers' main

incentive for forming a paramilitary group. Guerrilla groups were responsible for the death of the Castaño brothers' father in 1981 (Kirk).

However, historical evidence supports Ruiz' cynicism concerning the brothers' motivations. The eldest Castaño brother, Fidel, who was instrumental in the formation of modern paramilitary groups but disappeared before the groups' consolidation into the AUC, told the media that he hated his father and that his motives for persecuting the guerrilla were not founded upon ideological or personal reasons. Instead, his hatred for the guerrilla owed to the fact that these groups "got in his way" (Kirk). Castaño's persecution of guerrillas transferred easily to anyone else who interfered with his economic interests. He and his family possessed extreme wealth, profiting from cattle sales, extensive land ownership, and the lucrative cocaine trade (Kirk). Fidel's brother Carlos eventually became a member of the Medellín Cartel (Forero 12). As evidence demonstrates, narcotrafficking is a historically characteristic practice of paramilitarism, showing the importance of unbridled profitmaking to the actions of paramilitary groups. The composition of such groups also underscores the elite origins of paramilitaries; the Castaño family belonged to a rich landowning class, a fact that brings to mind the composition of elite groups that funded and participated in paramilitary activity during the *Violencia* period.

The importance of narcotrafficking to the paramilitary activity of first and second-generation groups demonstrates the long trajectory of organized crime in the context of paramilitarism. As Carlos Prieto of FIP explained, this debunks the state's dichotomous distinction between organized crime and illegal armed groups as the guiding principle for the disassociation of "new" armed groups from the phenomenon of paramilitarism. In linking paramilitarism to narcotics trafficking, interviewees underscored the important criminal underpinnings of the phenomenon. As key informants argued, paramilitaries are

motivated by profit making in itself, an important characteristic of organized criminals (Saab and Taylor 457). Fidel Castaño's statement is a case in point; the paramilitary leader admitted to persecuting guerrilla members because he considered them to be an obstacle to his economic interests, not because of an ideological difference or a form of revenge against his father's death. Key informant Angelica Arias of the Corporación Arcoiris echoed this point more generally, saying that the AUC only confronted the guerrilla to take over their territory and "ganar espacio para poder desarrollar negocios ilícitos." The paramilitaries' actions were motivated by a defense of their business enterprises, rather than an ideological project against the guerrilla.

Nevertheless, this fundamental interest in economic profit also forms part of a larger political and economic project. Narcotrafficking, an act of organized crime with purely economic motives, is simultaneously part of a larger state-sponsored mission. The paramilitary strategy aimed at profitmaking fits within the political ideals and values of capitalism. Abilio Peña of the Comisión Intereclesial de Justicia y Paz made this implication when he called the paramilitary project "una apuesta económica [y] un proyecto político." The business of narcotrafficking folds itself neatly into the Colombian state's neoliberal project. As one scholar argues, "la estrategia bélica [de las AUC] está motivada por el *negocio* del narcotráfico" (Fernández 125, emphasis added). As Peña explained, the beneficiaries of paramilitary violence are primarily powerful empresarios, which include businessmen invested in the narcotrafficking business. This assertion underscores the intentionality of the paramilitary project and the way in which the economic motives of paramilitarism also represent a deliberate defense of elite and private interests. As Peña suggested, paramilitarism benefits economic actors that work under the values of competition, profitmaking, and unbridled growth that neoliberalism promotes.

The principles of privatization and uninhibited growth that the neoliberal system promotes actually foment and encourage narcotrafficking, making clear the connection between organized crime and a broader political project. Narcotrafficking can be framed within Colombia's insertion into the world economy and the transition to neoliberalism (Forero 12). The highly lucrative and export-oriented nature of narcotics trafficking fits the characteristics of neoliberalism, which promotes an increasingly export-oriented market as a precursor to unfettered growth and profit. Interestingly, Forero challenges the legal classification of narcotrafficking as delinquency or crime, borrowing from another Colombian scholar in saying that these actors can be classified as "*empresarios de la coerción*" (qtd. in 22, emphasis added). In short, narcotraffickers work within the logic of capital accumulation, most recently articulated through the neoliberal system. The AUC itself admitted to an adherence to the ideas of unbridled growth, individualism, and capital accumulation, defining itself as "an anticommunist advance guard *in defense of private property and free enterprise*" and offering "their security model to landowners and businessmen" (qtd. in Saab and Taylor 461, emphasis added). The very mission statement of the AUC underscores their support for the principles of capitalism and neoliberalism, questions their purely counterinsurgent motives, and reveals their multifaceted political and criminal underpinnings.

In addition to their involvement in narcotrafficking, paramilitaries' defense of legal private businesses through violence and accumulation by dispossession also makes more evident the connections between the phenomenon and the logic of capital accumulation. Such support goes back to the *Violencia* period, when private landowners created militias to displace peasants and make way for ranching and large-scale agriculture (Chomsky 92). Practices of capitalist accumulation by dispossession have been relevant throughout paramilitarism's long history. Informants suggested the

continuity of these historical practices in their accounts of the modern paramilitary phenomenon. Teófilo Vásquez spoke of large landowners, agroindustry, and multinationals as some of the intellectual authors behind forced displacement. Fabio Ruiz accused large-scale enterprises of using paramilitaries as private armies to guard their economic interests. Abilio Peña of the Comisión de Justicia y Paz mentioned some of the private sector enterprises historically implicated in paramilitary violence, including agroindustry, infrastructure, energy sector projects, telecommunications, and mining. Evidence supports informants' assertions of the vast extent of private involvement in the paramilitary phenomenon. According to the independent think tank Indepaz, over 100 Colombian corporations and multinationals are linked in various ways to paramilitary groups (Seeboldt and Salinas 24). As evidence demonstrates, protecting private enterprise--a key aspect of the neoliberal project-- is an important part of the paramilitary endeavor. This systematic collaboration between legal business and violent paramilitarism more directly implicates the larger project of accumulation in the exacerbation of the violent armed conflict in Colombia. The role of this larger project, in turn, suggests the complicity of the state in paramilitarism. It is the state that creates the necessary conditions and implements the required policies to create an optimal climate for neoliberal accumulation.

NAMING THE CULPRIT(S): PARAMILITARISM AND HUMAN RIGHTS

I interviewed attorney Reinaldo Villalba, a vocal member of the human rights organization Colectivo de Abogados José Alvear Restrepo, at the organization's offices in Bogotá. Villalba spoke with uninhibited passion about the injustices and human rights violations perpetrated by paramilitary groups in Colombia. The Colectivo, as it is known throughout the country, is recognized as one of the most outspoken denouncers of state

involvement in paramilitary activity. Villalba and his colleagues receive frequent threats against their personal safety and that of their families. During our interview, he seemed completely unfazed by this fact, speaking candidly about injustice in the country. He denounced the fact that the victims of paramilitary groups are primarily civilians, despite these armed groups' claims that their victims are members of insurgent groups. Villalba told me, "la guerrilla era [en realidad] la población civil. El alcalde que no se comprometía a entregarles recursos [a los paramilitares], que no se comprometía a entregarles burocracia, que no se comprometía a guardar silencio sobre sus actividades criminales." Statistics support this assertion; as was previously mentioned, these armed groups commit approximately eighty percent of the human rights violations against civilians in the country (Hristov, "Legalizing the Illegal" 12). By emphasizing the rights abuses for which paramilitaries are responsible, Villalba implicitly underscored the state's complicity in paramilitarism, given that the involvement of the state is characteristic of human rights violations (Godoy 621). In focusing on paramilitary human rights violations, Villalba denounced the responsibility of the state in the prolongation of the civil conflict by its direct actions and indirect involvement, including the promotion of a notoriously violent system of capital accumulation and a failure to prevent or prosecute gross violations of human rights.

Key informants largely agreed on the specific human rights violations that characterize paramilitarism. Villalba described the armed groups' *modus operandi* as one characterized by threats against the population, forced displacement, massacres, and the destruction of social organizations, including human rights organizations that denounce paramilitarism. Luis Alberto Bonilla of the Human Rights Ombudsman's office, Angélica Arias, Federico Andreu, and the anonymous judge in Medellín all echoed Villalba in emphasizing the relevance of the issue of displacement to the paramilitary project.

Villalba, along with various other informants, also noted paramilitary responsibility in the assassination of and threats against unionists. Informants linked these human rights violations to the state-backed protection of the economic interests of powerful actors. They described paramilitaries as the executors of a state-sponsored process of accumulation by dispossession. The following sections will focus on two of the most prominent foci for key informants in their discussion of paramilitary human rights violations--- forced displacement and the persecution and assassination of labor unionists. The sections will examine the violations as logical tactics of state-supported neoliberal expansion that represent the creative destruction necessary to eliminate any factor contrary to the principles of uninhibited growth and profit.

At the offices of the Grupo Interdisciplinario por los Derechos Humanos in Medellín, director María Victoria Fallon highlighted the persecution and assassination of labor unionists as an important part of the repertoire of violence of paramilitary groups. Villalba also touched on this persecution of organized labor in his interview, pointing out that over 60% of assassinated union laborers in the world are Colombian. In underscoring the connections between paramilitarism and violence against labor unionists, key informants made implicit connections between the economic and political project of neoliberalism and the phenomenon of paramilitarism. The disciplining of labor is essential to the creative destruction required for neoliberal growth and efficiency (Harvey, "The Right to the City" 24). The assassination of and threats against unionists are the "assault on organized working class power" required for a full transition to neoliberal capital accumulation, which demands low wages and temporary working conditions for the sake of maximizing growth and efficiency (24). In connecting these violations to the larger state-sponsored project of accumulation, informants made clear

the state's systematic involvement in paramilitary activity and their inherent responsibility for grave violations of human rights committed by paramilitary groups.

Reinaldo Villalba specifically mentioned the Coca Cola Company's involvement and support of paramilitary violence. Between 1990 and 2005, a period coinciding with the government's official commitment to and expansion of neoliberal globalization in the country, paramilitary groups assassinated nine Coca Cola employees affiliated to the National Union of Food Industry Workers, SINALTRAINAL, and were responsible for human rights violations against 180 other workers. These violations included threats, torture, and forced displacement (*SINALTRAINAL Vs. Coca Cola* 2). According to testimonies, the Coca Cola Company "hired, contracted with, or otherwise directed paramilitary security forces" that committed these violations against workers and their families (2). Union investigators linked the periods of highest paramilitary violence against unionists and their families with times in which contract negotiations were taking place at bottling plants (Gill 112). Paramilitary violence against unionists sponsored by legal business represents an unyielding adherence to the "supra-capitalist creed" of "growth" that guides the neoliberal process (Starr 21). Unionized labor is inconsistent with the current system's tenets because of its demands for higher wages, stable contracts, and increased benefits. As a consequence of the violence, the SINALTRAINAL union lost approximately half of its membership (Gill 111). Paramilitary violence, in this case, represented the most efficient means to discipline labor, leading to economic growth and profit for the company. In emphasizing the relevance of this labor disciplining to the violent actions of paramilitary groups, key informants inserted these groups into a larger political and economic project. In this way, they questioned the validity of the official discourse on paramilitarism, underscoring these groups' ultimate interest in profitmaking and marking their strong links to the state.

These state connections, as many informants pointed out, extend beyond the sponsorship of the economic project of capital accumulation. Informants also accused the state of facilitating overwhelming impunity for human rights violations. The impunity in cases of violence against trade unionists underscores this type of state responsibility for human rights violations. Anthropologist Leslie Gill explains that the violent strategy of disciplining labor is "facilitated by pervasive impunity" (110). As of 2008, only five individuals had been convicted for the more than 4000 murders of trade unionists that occurred in Colombia since 1986; such a figure demonstrates an impunity rate of nearly 100% (110). The state's inaction and lack of persecution of paramilitaries involved in these grave violations of human rights facilitates the repetition of these violations. Angela Godoy argues that the state's inaction is itself a human rights violation, explaining that "the most immediate threats to [citizens'] well being stem not from what the state does, but from what it does *not* do" (621). Sociologist Jasmin Hristov contextualizes this concept in the Colombian case, explaining that the "most common way in which the state...has collaborated with the AUC has been through nonintervention" (*Blood and Capital* 83). In the case of Colombian trade unionism, not only does the state condone human rights violations through its promotion of the neoliberal economic system, but also through a near total impunity in the face of grave human rights abuses.

Forced displacement is also an important part of the repertoire of paramilitary human rights violations. Reinaldo Villalba was most vocal in explaining the connection between forced displacement and neoliberal private enterprise. He accused large landowners, agro industrial companies, and multinationals of being responsible for the extremely high levels of forced displacement in Colombia. CODHES, a respected rights organization specializing in the monitoring of the phenomenon, defines displacement as a situation in which communities and individuals are forced to flee their homes and towns

as a consequence of the violent actions of illegal armed groups and the actions or neglect of the state ("Salto Estratégico o Salto al Vacío?" 1). CODHES indicates that over 5,200,000 persons in Colombia were forcibly displaced between January 1985 and June 2011 ("De la seguridad a la prosperidad democrática en medio del conflicto" 23). Evidence suggests that paramilitary groups are the "primary force responsible for displacement" in Colombia (García-Godos and Lid 491). By underscoring the role of forced displacement to the *modus operandi* of paramilitary groups, key informants showed the concrete connections between the process of capital accumulation and the paramilitary phenomenon. Displacement is a type of accumulation by dispossession and a part of the process of creative destruction required for unbridled growth and productivity. By displacing through violence, paramilitaries "open up terrains for raw material extraction," a process essential to the capital growth that guides the logic of neoliberalism (Harvey, "The Right to the City" 24). In Colombia, paramilitary displacement largely takes place in "areas of strategic economic...importance" including "fertile land" and "areas with valuable natural resources such as gold and other minerals, oil, or precious woods" (Hristov, *Blood and Capital* 76). The geographical history of displacement in the country underscores the connections between paramilitary violence and the process of capital accumulation.

In elaborating on the reasons behind forced displacement in Colombia, many interviewees mentioned specific economic enterprises and businesses that benefitted from the displacement of civilian populations carried out by paramilitary groups. Andreu, Villalba, Peña, and the anonymous *fiscal* interviewed in Medellín all specifically mentioned agroindustrial projects as ones traditionally implicated in paramilitary violence. One of the most notable examples is the cultivation and export of bananas. Historian Avi Chomsky explains how banana corporations in Colombia in the early to

mid-twentieth century relied on the "violent pressure and death threats" of paramilitaries for the "massive expulsion of peasants" necessary for the expansion of their land holdings (94). As the example shows, violence is an essential part of the capitalist logic, representing a type of primitive accumulation of the sort that Karl Marx describes in his work. The paramilitaries' role in capital accumulation from the start of the 20th century demonstrates that the larger strategy of capital accumulation has been a common thread of paramilitarism since its inception. In underscoring the connections between agroindustrial projects and the repertoire of paramilitary violence, informants once again put into question the dominant historical account of paramilitarism as a counterinsurgency effort. In highlighting paramilitaries' long-standing practice of protecting private business, they framed the phenomenon as part of a broader political project in defense of elite interests, one promoted explicitly by the Colombian state.

Similar to the case of rights violations against trade unionists, the state involvement in forced displacement extends beyond the support of the economic system that paramilitarism defends. An example of massive forced displacement in the Pacific coast of Colombia, a strategic economic zone, shows the state's direct participation in human rights abuses. In 1997, army and paramilitary groups jointly carried out "Operation Genesis," a violent action that supposedly aimed at ridding the area of guerrilla groups (Oslender 756). Nonetheless, it is Afro-Colombian groups holding collective title to the valuable and resource-rich lands on the coast that suffered the consequence of the operation; the terror that military and paramilitary groups generated forced these groups to flee their homes (756). Consequently, the state took control of the civilians' valuable and resource rich lands for development of capitalist projects (757). The example illustrates Villalba's point of paramilitarism as an "estrategia de

estado...para favorecer los grandes capitales." This example shows the direct complicity of the state in paramilitary defense of private interests.

The state's involvement in violent forced displacement also involves inaction. An unspoken policy of total impunity concerning cases of displacement is another demonstration of the state's complete complicity in the paramilitary project. In the aforementioned example, Afro-Colombian communities could not return to their lands; private enterprises specializing in highly productive monoculture projects took over in these areas (Oslender 760). As this particular example shows, the state's participation in violent processes of capital accumulation through forced displacement was threefold: through the promotion of the neoliberal regime, through a direct collaboration in the violent actions of paramilitaries, and through a complete impunity in the face of grave violations of the rights of Colombian citizens.

INSTITUTIONALIZED PARAMILITARISM

The state's collaboration and complicity in violent paramilitarism extends far beyond the aforementioned examples of forced displacement and violation of the rights of trade unionists. Federico Andreu called paramilitary violence a "política de estado." Reinaldo Villalba echoed Andreu in his allegations, saying that " las políticas de estado están dirigidas a la conformación y consolidación del paramilitarismo." The state's forceful embrace of neoliberal reforms is one example of the ways in which state policy fomented paramilitarism. In implementing reforms that favor the current neoliberal strategy of capital accumulation, the state creates the conditions necessary for the expansion of private business and export-oriented industry. Fully profiting from neoliberal enterprise, in turn, necessitates the use of violence. The analyses of informants suggested that the state's participation far surpassed the support of the neoliberal project.

Interviewees explained that state involvement in paramilitarism is a far-reaching institutionalized practice in Colombia.

In the offices of the Corporación Arcoiris in Bogotá, investigator Angélica Arias smiled cynically as I asked her to elaborate on the Colombian state's connection to paramilitarism. "Aquí no vas a encontrar muy buenas perspectivas," she warned. She explained her organization's important emphasis on making public "la inmensa implicación de sectores políticos en el paramilitarismo." The situation Arias described is the *parapolítica* scandal, one that revealed the connections between paramilitarism and political actors in the country. All fourteen interviewees highlighted these connections between the state and the paramilitary project. In describing the phenomenon, most informants utilized language and examples that implied its systematic nature. María Victoria Fallon accused former President Alvaro Uribe Vélez of attempting to obscure the connections between public officials and paramilitary groups. In suggesting the participation of the former president of Colombia, Fallon framed the practice as one coming from the highest levels of the state, implying the immense scale of the government's involvement. Abilio Peña of the Comisión Intereclesial de Justicia y Paz echoed Fallon's sentiments, calling paramilitaries "hijos del estado." Peña underscored the long trajectory of these ties in using language that highlighted the intimate relationship between the government and paramilitarism. In doing so, he harked back to the legal creation of the groups in Colombia. Peña also spoke of paramilitary leader Salvatore Mancuso's own claims that 35% of the Colombian congress was involved in paramilitary activity.⁸ In underscoring the systematic political ties of paramilitary groups,

⁸ Salvatore Mancuso was one of the most prominent and public leaders of the AUC. As part of the Justicia y Paz demobilization process, he was one of the paramilitaries who gave *versiones libres* or testimonies in which he confessed his crimes and revealed the *modus operandi* of paramilitary groups. The Justicia y Paz process will be addressed in Chapter 3.

informants framed state support as an essential, rather than incidental, part of the paramilitary project.

In our interview in Bogotá, Carlos Espitia of the think tank Indepaz called the paramilitaries' "infiltración en las instituciones" a trademark of these groups. The *fiscal* interviewed in Medellín spoke of corruption in state agencies, saying that this corruption is the reason why "tierras aparecen adscritas a testaferros." The informant referred specifically to the actions of INCODER, the Colombian Institute for Rural Development, which, along with local government institutions, was complicit in forced displacement of populations in the Córdoba and Antioquia provinces ("Investigan a Incoder, Notarías, y Fondo Ganadero de Córdoba por Despojo"). The *fiscal's* comments make more specific the connections between paramilitary land grabbing and state support and promotion of capitalist accumulation. The involvement of entire institutions, such as INCODER, underscores the systematic and entrenched nature of the state/paramilitary connection.

The *fiscal's* input is particularly valuable in understanding the state's institutionalized complicity in paramilitarism. Throughout our interview, she was especially adamant in emphasizing the systematic nature of corruption in Colombia and described her own personal experience with corrupt practices. She described a situation in which her supervisor attempted to persuade her to participate in illicit activity. When she refused, he transferred her to another office and replaced her with another more malleable judge. She defined her experience as one that is common in her institution. Because of her high ethical standards, she was a pariah in the Fiscalía and feared for her personal safety. Her insider knowledge of the state, her critical stance concerning the government, and her willingness to speak out despite serious threats to her safety gave particular credence to her remarks, which underscored the deeply-rooted connections between the state and paramilitarism. The *fiscal's* description of systematic practices of

corruption seems to reflect Jasmin Hristov's description of paramilitary "penetration" in the state (*Blood and Capital* 133). The *fiscal's* account does not truly reflect what she terms "corruption," which implies that the faults in the justice system are attributable to "a few bad apples" (133). Instead, her description of systematic collaboration depicts what Hristov labels an institutionalized "penetration" of paramilitarism in the justice system. The term "penetration" more accurately describes the entrenched nature of paramilitarism in the Colombian state.

The *fiscal's* testimony, as well as that of the other civil society representatives, differed significantly from the comments of the two other key informants from state organizations. Fabio Ruiz of the Presidency and Luis Alberto Bonilla of the Ombudsman's office limited their comments concerning state complicity to saying that there was connivance in "algunos sectores" of the state. These representatives only spoke of "a few bad apples" supporting paramilitarism. Their more reserved comments contrasted starkly with those of the *fiscal*, who assured me that support and complicity with paramilitarism was an institutionalized practice within the state. The representatives' more restrained comments could be attributed to their positions as visible public officials and a fear of the consequences of speaking out against the government. Given the *fiscal's* situation, this is a likely possibility. This silence on the part of the government and the serious consequences for state officials that criticize and expose the Colombian state's entrenched links to paramilitarism highlight the power and magnitude of the interests at stake in the paramilitary project.

The discussion of the nature of the "new" armed groups in the interviews inevitably involved an analysis of the trajectory of paramilitarism in Colombia. By analyzing the political and economic structures that fuel paramilitary activity, key informants all contested the hegemonic discourse concerning historical paramilitarism,

debunking the unidimensional explanation of the phenomenon in terms of counterinsurgent ideology. Instead, informants' alternate conceptualizations underscored the complex and hybrid political and criminal nature of paramilitary groups, the connections between paramilitary human rights violations and the project of capital accumulation, and the state's long-standing complicity in the actions of paramilitaries.

Chapter 3:

"BACRIM" or "Paramilitares"? Understanding the "New" Phenomenon

'SIN JUSTICIA Y SIN PAZ:' EVALUATING THE PEACE PROCESS

During our interview, I asked Reinaldo Villalba to describe "Justicia y Paz," the landmark 2005 peace process in which the government of former President Alvaro Uribe led the negotiation of the demobilization of paramilitary groups. Villalba summarized his outlook on the paramilitary peace process by telling me his alternative name for it---"Sin Justicia y Sin Paz." He went on to explain the reasons for his negative analysis:

Es que aquí no queremos que cojan al sicario, al patrón de diez sicarios, aquí son las estructuras y las cabezas políticas y económicas del paramilitarismo. Mientras tanto es falso lo de la voluntad política de persecución. Eso es lo esencial. Porque al final [capturar] un paramilitar raso que le entregan un revolver, un fusil para que mate gente pues no es el gran favor a la sociedad... El gran favor a la sociedad es eliminar la raíz del problema.

Key informants' analysis of the trajectory of paramilitarism culminated in general agreement on the failure of the demobilization process and a broad consensus on the reasons for its shortcomings. The interviewees agreed on the Colombian government's failure to address the political and economic structures that fuel paramilitarism in the country. Most went as far as to say that the government was unwilling to address these structures because, in doing so, it would have exposed its own profound involvement with paramilitarism.

In the Bogotá offices of the United Nations High Commissioner for Human Rights, Antonio Menéndez, head of the Impunity Section, told me of the office's skepticism concerning the legitimacy of the government's peace plan. Following a close observation of the process, he and his colleagues concluded that the process was not genuine and failed to dismantle the political and social structures underlying

paramilitarism. Cesar Molinares similarly cited a lack of "sinceridad" in the process, explaining that "nunca se desmontaron las estructuras económicas y políticas." Carlos Prieto echoed these attitudes concerning the continuity of the structural issues, saying "seguimos teniendo los mismos problemas." In speaking of the structural permanence, informants referred to the economic interests that represent immense sources of profit for these groups. Additionally, they pointed to the ongoing process of capital accumulation that supports the licit and illicit economic projects of paramilitaries. Despite these continuities, the Justice and Peace Law that guided the paramilitary demobilization shows the government's unwillingness to define paramilitarism in a way that highlights the crucial relevance of capital accumulation, government complicity, and human rights issues to the paramilitary project. In the final analysis, the Justice and Peace process adhered to the state-formed conceptualization of paramilitaries as counterinsurgent forces. Historian Jacobo Grajales interprets the Justice and Peace Law as one that definitively cemented "la visión del paramilitarismo como una forma de movilización política armada y contra-insurgente" (174).

Article 71 of the Justice and Peace Law illustrates this point. The section declares that guerrilla and paramilitary forces are guilty of sedition and that their crimes are to be judged similarly to those that fit under the category of rebellion (*Ley 975 de 2005*). In essence, Article 71 recognizes paramilitary groups as counterinsurgent political forces. As the key informants denounced and the historical evidence demonstrates, this counterinsurgent political nature does not accurately describe the motivations and *modus operandi* of paramilitary groups. In 2006, a Colombian Constitutional Court decision declared Article 71 unconstitutional (Grajales 176). However, the Court's decision was based on a procedural argument and not on the deeper substantive argument of whether paramilitary groups can be considered seditious (176). Furthermore, the decision was not

retroactive, meaning that it was not applicable to paramilitaries that demobilized prior to the Court's 2006 decision (176). A later Supreme Court decision challenged Article 71 once again, arguing that processing paramilitary groups under the crime of sedition would amount to an acceptance that these groups' acts are altruistic and benefit the common good, in this way mocking victims' rights to truth and justice (177). As these court rulings argue, the law's substance and its effects favor a unidimensional political legal treatment of these paramilitary groups, thus ignoring the larger political and economic structures that fuel these armed actors.

Article 10 of the Justice and Peace Law requires that groups demobilizing under the law must not have been organized for drug trafficking or illicit enrichment. If the law recognized the true hybrid nature of the groups, such a condition would make all paramilitaries ineligible to demobilize under the ruling. As the analysis of paramilitary history shows, narcotrafficking is a signature characteristic of these groups' activity. The trajectory of Salvatore Mancuso is a case in point. In an anonymous interview, a narcotics trafficker claimed that Mancuso made a 90 million dollar profit from the drug trade; he concluded by saying that "Mancuso es un capo" (qtd. in Camacho Guizado 52). Furthermore, analyses of the territorial zones of paramilitary control show a strong correlation between strategic zones of coca cultivation and paramilitary activity (36). This territorial correlation underscores the *systematic* nature of paramilitary participation in the drug trade, a fact not reflected in the language or provisions of the Justice and Peace Law.

In speaking of one of the law's most notable structural deficiencies, Reinaldo Villalba called the Justice and Peace Law "la operación mas gigantesca de impunidad de la historia del país." He spoke of Article 29 of the law, which grants paramilitaries reduced prison sentences of between five to eight years, conditioned on whether they are

truthful in their confessions and on the gravity of the crimes to which they confess. Villalba went on to critique this fact, calling the reduced sentences "una quasi amnistía." In her analysis of the continuity of paramilitary violence, María Victoria Uribe, an anthropologist and expert on historical memory in Colombia, blames the continuity of paramilitary violence from the *La Violencia* period to the current era on "a lack of solution to the original problem and partial amnesties leading to periods of war and civility on a single continuum" (6). As Uribe explains, amnesties for perpetrators are to blame for the repetition of violence. Even the actors I interviewed who were most closely aligned to the state, Luis Alberto Bonilla and Fabio Ruiz, critiqued Article 29. Bonilla described the reduced prison sentences as "exiguas. . .frente a la gravedad de los delitos." Ruiz explained his disappointment in the government's demobilization process, citing the lenient prison sentences as one of the main structural problems of the law. These informants mentioned the amnesties as important factors that explain the continuity of paramilitarism. Similar to the narco-trafficking clause, interviewees believed that the amnesty clauses were illogical in the case of Colombian paramilitaries. While they are considered inapplicable to paramilitaries who are found guilty of grave human rights violations, evidence highlights the ways in which grave human rights violations such as forced disappearances, massacres, targeted assassinations, and massive forced displacement are, like narco-trafficking, *systematic* characteristics of the *modus operandi* of paramilitary groups.

Adding to the law's incompatibility with the nature of these armed groups, the conditions of the reduced sentencing that Article 29 delineates are extremely difficult to enforce. The *fiscal* in Medellín, who has participated in the sentencing of demobilized paramilitaries, described Justicia y Paz as a process of verification rather than investigation. Abilio Peña echoed the *fiscal's* observations. He explained that

paramilitaries "dicen lo que les conviene en un momento determinado y callan lo otro." The process is one in which the paramilitary is in control, deciding "qué confiesa y qué no, cómo lo hace, cómo matiza, relativiza, niega o justifica;" the judge is, in turn, reduced to a passive listener (Velásquez 148). The structure and dynamics of the *versiones libres*, the hearings in which paramilitaries confess to their crimes in exchange for the benefits of the Justicia y Paz Law, favor paramilitaries and ultimately lead to impunity. Families of paramilitaries' victims are not allowed in the same room as the defendants. From a separate location, these families ask the paramilitary being tried for specific information about their disappeared loved ones. In the examples that the Colombian documentary *Impunity* depicts, the paramilitary's response is extremely vague. The individual mechanically explains that he does not know of the fate of the victim and, occasionally, refers to paramilitarism's supposed counterinsurgent ideology in explaining why the individual was disappeared or assassinated (Lozano). There are no complementary investigation methods in place to verify paramilitaries' declarations and confessions. By simply omitting their confessions of acts considered grave human rights violations or accusing their victims of belonging to guerrilla groups, paramilitaries can easily qualify for the reduced sentences under Article 29. The lack of accountability methods and the structural deficiencies of the law suggest the government's unwillingness to truly dismount paramilitarism. These lax conditions and provisions seem to support the view that the process amounted to a legalization of paramilitarism, in which these actors went relatively unpunished and gained access to various benefits for demobilizing (Velásquez 140).

In addition to its structural deficiencies, the law's extent was extremely unimpressive. Federico Andreu explained that "la inmensa mayoría...de los paras no están procesados porque no están identificados." Carlos Prieto's negative analysis of the

process centered on the fact that the justice system has sentenced only a handful out of approximately 4,000 paramilitaries that are being processed under the transitional justice law. A report from the High Commissioner for Human Rights in Colombia specified that courts have only indicted and sentenced fourteen out of the thousands of possible applicants (*Informe Anual de la Alta Comisionada* 13). María Victoria Fallon pointed out that these 4,000 represent a small percentage of the more than 30,000 paramilitaries in Colombia. The government granted *de facto* amnesties to 28,000 of these paramilitaries through Decree 128 of 2003, under Law 782 of 2002 (*Colombia: La Metáfora* 341). While grave violations of human rights were characteristic of these groups, the state automatically pardoned an overwhelming majority of paramilitaries without more in depth investigations into their *modus operandi* and crimes. During the demobilization process, "the combatants registered their names, their level of involvement in the organization and whether they had violated human rights or humanitarian law." (García-Godos and Lid 504). Testament to the weak investigative measures that characterized the Justice and Peace process is the fact that "these combatants were given immunity in line with Decree 128 of 2003" if "they did not admit to any crimes and had no pending cases against them in the judicial system" (504). As the *fiscal* emphasized, paramilitaries are in control of what they confess and what they conceal, without any thorough process of accountability. Such deficiencies in the administration of justice ultimately led to widespread impunity for paramilitary groups.

The informants' outlook on the process went beyond a critique of the law's provisions; they also assessed the law based on its exclusions and omissions. These critiques fully reflected informants' alternate interpretations of the paramilitary phenomenon. In explaining the reasons for the law's failure in terms of dismantling paramilitarism, Villalba noted that the peace process did not clearly establish and

prosecute the "empresarios, ganaderos, agricultores, y palmicultores que colaboraron" with paramilitaries. While paramilitaries revealed much of this complicity through their confessions in the context of the Justice and Peace process, there was no systematic process for taking judicial action against these actors. Failing to address and dismantle the connections between powerful elites and paramilitaries amounted to an ultimate failure to recognize the important role of the state-supported project of capitalist accumulation in systematically fueling the paramilitary phenomenon.

Informants went on to critique the lack of investigation of state responsibility in the actions of paramilitary groups. Villalba denounced the "ausencia de investigación frente a militares, políticos, y autoridades administrativas que...en el marco de Justicia y Paz los paramilitares han dicho que ellos les colaboraron y fueron cómplices de crímenes de lesa humanidad." The very definition of human rights violation implies the complicity of the state (Godoy 621). As the previously mentioned examples of forced displacement and violence against trade unionism illustrate, the state has been directly involved in human rights violations through action, complete neglect of victims, and its aggressive promotion of a notoriously violent economic system. Paramilitaries' confessions in the context of the transitional justice program were essential in exposing the systematic ties between the state and paramilitary groups. It is in the context of the demobilization that Salvatore Mancuso revealed paramilitarism's connections to politicians, as Abilio Peña mentioned. Nonetheless, the Justice and Peace law does not address these connections nor attempt to dismantle them. As Cesar Molinares stated, "no se dijo nada sobre los crímenes de sistema." Molinares' comment harks back to a recurring theme in informants' analysis of the paramilitary phenomenon. The state is not merely involved in paramilitary activity, but paramilitarism is a "para-state project," as the *fiscal* called it. Mancuso's declaration that paramilitary groups controlled 35% of congress is a testament to the

systematic nature of the state's complicity in paramilitary activity. Law 975 contained no provisions for the investigation and prosecution of state actors with links to paramilitary groups. Article 2 of Decree 1290, one that delineates certain provisions related to Law 975, declares that the law's definition of victim does not include victims of state violations of human rights (*Colombia: La Metáfora* 316). While the government has prosecuted some politicians and state representatives individually, it has yet to establish a method for carrying out an overarching investigation of state involvement in paramilitarism. A comprehensive investigation is required, given the institutionalized nature of state complicity in paramilitary activity. As Abilio Peña stated, "lo que hace lo paramilitar es justo su vínculo con las unidades militares." Through his assertion, Peña suggested the fundamental nature of the state/paramilitary connection.

Drawing upon her own personal experience witnessing the penetration of paramilitarism into her institution, the *fiscal* in Medellín called for a strengthening of institutions through the "neutralización de los corruptos." She designated this as one of the necessary steps for a true demobilization of paramilitarism. On a similar note, Federico Andreu called for a "depuración del estado en administración pública y en política." He went to explain that such a cleansing of corrupt institutions had to be a comprehensive and broad policy, given the systematic nature of state involvement in paramilitarism. Villalba explained how the historical penetration of paramilitarism in the state manifested itself even in the law's procedures and logistics. He specifically mentioned the current legal proceedings against Luis Carlos Restrepo, the former Commissioner for Peace in charge of the paramilitary demobilizations. Restrepo is accused of knowingly organizing the false demobilization of a FARC guerrilla bloc. According to Villalba, Restrepo's history makes valid the questioning of the legitimacy of the paramilitary demobilizations that he carried out. A report co-written by Villalba's

organization further suggests the government's corrupt practices within the demobilization process itself. The report echoes Peña's comment about the Colombian congress' deep involvement with paramilitarism. As the Colectivo and other organizations point out, it is this same congress that approved the Justice and Peace law (*Sin Justicia y Sin Paz* 25). This fact hints at the idea that paramilitarism and its interests were well represented in the design and approval of the law. In short, the state's complicity in paramilitary activity is not merely a distant historical fact, but permeated even the demobilization process, underscoring the immense degree and extent of state/paramilitary connivance and putting into question the legitimacy of the disbandment of paramilitarism.

GUARANTEEING IMPUNITY

For many informants, the most solid evidence of the government's refusal to truly dismantle paramilitarism is the 2008 extradition of important paramilitary leaders to the United States to be tried for the crime of narcotrafficking (*Colombia: La Metáfora* 299). Breaking with the official definition of paramilitarism as a counterinsurgent political project, the government seemed to implicitly recognize the criminal aspect of paramilitary groups by ordering their extradition. However, Reinaldo Villalba assured me that establishing the paramilitary connection to organized crime was not the motive behind the paramilitary extradition. Instead, Villalba explained that the extradition "obedeció a un afán de acallar a quienes algo querían decir sobre la verdad del paramilitarismo y su desarrollo y los beneficiarios de este país de la existencia de esas estructuras." Villalba once again stressed the powerful beneficiaries of paramilitarism, which included state actors. Informants suggested that the extradition was an attempt to

prevent the revelation of compromising links between the state and the paramilitary project.

In the months preceding the extradition, important paramilitary leaders, including Salvatore Mancuso and Ever Veloza (known by his alias of HH), began revealing the links between politicians and the paramilitary phenomenon. Most of the politicians they denounced belonged to the coalition of political parties that supported then president Alvaro Uribe (Lozano). Paramilitarism's connections to the executive branch became clearer when paramilitary leaders publicized Senator Mario Uribe Escobar's complicity in paramilitarism; Uribe Escobar was a firm supporter of Alvaro Uribe and was also the president's cousin. Instead of turning himself over to authorities, Mario Uribe took refuge at the Costa Rican embassy in Bogotá. Many observers interpreted Mario Uribe's actions as self-incriminating; in attempting to evade capture, he seemed to admit to his guilt (Lozano). In May of 2008, shortly after these important revelations of political involvement in paramilitarism, president Alvaro Uribe made the sudden decision to extradite fourteen top paramilitary leaders to the United States to be tried for crimes related to narcotrafficking. In his justification for the extradition, Alvaro Uribe cited these leaders' lack of cooperation in the Justice and Peace process (Lozano).

However, the extradition coincided with the height of paramilitaries' revelations of state involvement in paramilitary activity, particularly the *parapolítica* scandal. As Luis Alberto Bonilla stated, these extradited paramilitaries "tenían información valiosísima sobre todo referente a las estructuras políticas, a los políticos, a los industriales, y a gente llamada, entre comillas, 'de bien' que apoyaron y contribuyeron a las acciones de las fuerzas de autodefensas." Extraditing top-ranking paramilitaries with compromising information represented the Colombian state's attempt to detract attention from the policies and direct state complicity that fomented paramilitarism. According to

Jacobo Grajales, the "criminalización del paramilitarismo" (189) allowed the Colombian government to "limpiar su imagen" and "posicionarse como el arquitecto del desmantelamiento del paramilitarismo." (190). By underscoring the criminal nature of paramilitary groups, the government concealed their multi-dimensional nature, obscuring their important historical connections to the state and to the violent process of capitalist expansion that the state promotes and supports.

While the May 2008 extradition silenced the denunciations of important paramilitary leaders, the action did not include Ever Veloza, who continued to participate and give legal testimony that compromised important political and economic sectors in Colombia. He revealed Carlos Castaño's frequent reunions with political leaders and businessmen. He went on to explain that paramilitaries "no llegábamos a las regiones por azar," but instead entered regions of strategic economic importance with the support of state actors and private business (Lozano). Seemingly reacting to the paramilitary leader's important revelations, the Uribe administration extradited him to the United States in March of 2009 (Lozano). The Supreme Court of Colombia completely opposed the extradition, citing the need to prioritize victims' rights and the principle of non-repetition. The Court argued that, according to the Colombian Constitution, the state has a greater responsibility to its citizens than to foreign governments. The rights of victims of grave human rights violations had to be prioritized over the prosecution of the less grave crime of narco-trafficking, for which the United States sought the extradition of Veloza and the other paramilitary leaders (*Colombia: La Metáfora* 280). The extradition was the state's attempt at impeding the development of an accurate historical memory concerning the true motivations and *modus operandi* of paramilitarism. The extradition was contrary to the principle of non-repetition of the grave human rights violations against civilians that paramilitaries perpetrated. The Inter-American Court denounced this fact, saying that "la

extradición de estos paramilitares está reproduciendo condiciones de impunidad, lo que propicia la repetición crónica de las violaciones de derechos humanos" (qtd. in *Colombia: La Metáfora* 311).

Juan Diego Restrepo's analysis summarized the informants' outlook on the process. He told me that "Justicia y Paz no ha pasado." Restrepo argued that the weak process, with its lax provisions and generous amnesties, virtually nonexistent verification and investigation measures, and inaccurate definition and conceptualization of paramilitarism, did not give paramilitary groups any compelling reasons to demobilize and leave their valuable territories and lucrative forms of capital accumulation. As informants argued, the process parted from a definition of paramilitarism that completely denied the important economic motivations of the phenomenon and the state's sponsorship of the process of capital accumulation that encourages such economic pursuits. Even more grave is the fact that the process did not address the state's important implications in paramilitarism. For this reason, the inferior results of the Justice and Peace process are unsurprising. As Jasmin Hristov explains, "the very system responsible for bringing justice is itself penetrated by narco-paramilitary power" (*Blood and Capital* 175). This impunity for the crimes and human rights violations of the Colombian state allows for the continuation of the violence that characterized paramilitary activity. As the case of paramilitarism shows, the state is a fundamental culprit in the prolongation of the decades-long armed conflict in Colombia.

THE 'POST-DEMOBILIZATION' ERA

In a May 2007 speech, former President Alvaro Uribe "ordered the police to no longer speak of paramilitarism" (Hristov, "Self Defense Forces, Warlords, or Criminal Gangs?" 20). The removal of the term from the official discourse symbolized a complete

break with the past. If paramilitarism no longer existed, then human rights violations in Colombia, committed primarily by paramilitary groups, were no longer a significant issue. The president's statement also suggested that the state had moved past a dark era of direct and indirect involvement in illicit activity and egregious violations of human rights. In a different speech the same year, Uribe announced the "new" challenge to Colombia's security:

Nos espera una tarea: liberar a los compatriotas... de una nueva organización armada que se llama “la ONG”, y de “los rastros”. No hablemos de esas bandas como fenómeno paramilitar subsistente, sino como fenómeno terrorista y narcotraficante que quiere maltratar al pueblo colombiano (Uribe Vélez).

This statement referred to what the former president termed *Bandas Criminales Emergentes al Servicio del Narcotráfico* (Emerging Criminal Gangs Serving the Narcotrafficking Business). Known by the acronym of BACRIM, the groups' emergence coincided with the time of paramilitary demobilization, one which the government termed "post conflict," in another attempt to distance itself from a dark past (Vargas 215). In the speech, Uribe labeled these "new" groups "terrorists," inserting them into the international context of the United States' "War on Terror." Through the use of this language, Uribe disassociated the Colombian state from the actions of these groups and gained favor with its greatest international ally. Uribe also emphasized the uniquely criminal nature of these "new" groups. He constructed them in complete opposition to paramilitarism. By doing so, he implicitly reinforced the counterinsurgent political ideology that was the official characterization of paramilitary groups, underscored the success of his paramilitary demobilization, and forcefully asserted the complete separation of the state from the actions of these armed groups.

In July of 2010, shortly before the end of Alvaro Uribe's second term in office, the Colombian government released a decree in which it defined what it termed "BACRIM"

more specifically; the decree described the "BACRIM" as armed groups that converge in strategic zones of narcotics trafficking and engage solely in criminal activity, *without any sort of political ideology* (*Decreto Número 2374 de 2010*, emphasis added). In formally defining these groups in opposition to paramilitaries, Uribe proclaimed the success of the paramilitary demobilization, symbolically marking the triumph of his mandate and downplaying the scandal of government involvement in paramilitarism that tainted his administration. Following this official conceptualization, these groups are also defined as "small emerging criminal organizations" that engage in drug trafficking combined with extortion; many emphasize that these activities demonstrate that they cannot be "self-defense groups" (Hristov, "Self-Defense Forces, Warlords, or Criminal Gangs?" 20). Others support the government's labeling by describing the BACRIM as lacking "the central structure and ideological base of" paramilitaries (Porch and Rasmussen 530). The state portrays the BACRIM in complete opposition to paramilitarism, on a false dichotomy between common and political crime. In emphasizing that their involvement in narco trafficking and supposed lack of ideology means that they cannot be self-defense forces, the state implies that paramilitaries were just the opposite---groups with purely counterinsurgent political motivations that were not involved in acts of organized crime.

Directly challenging the official state discourse, key informants all highlighted the strong connections between the "new" armed groups, known officially as "BACRIM," and the paramilitary phenomenon. The anonymous *fiscal*, Villalba, Andreu, Peña, and Fallon all utilized the term paramilitary to refer to these "new" armed groups. In this way, the actors indicated the full continuity of the phenomenon and underscored the complete failure of the demobilization process. Teófilo Vásquez of CINEP described these groups as "el rearme del paramilitarismo." He went on to say that, while the state dismantled the militarized aspect of paramilitarism, the process was ineffective in dismantling

paramilitarism structurally. Other actors seemed to follow Vásquez' idea of a new stage or "rearme" of paramilitary activity. Arias called these groups "neoparamilitares." Espitia told me that Indepaz labels them "narcoparamilitares," highlighting these groups' stronger links to narcotrafficking, while maintaining that they are a continuity of the paramilitary phenomenon. Also marking the continuity with paramilitarism, Carlos Prieto of FIP labeled them "paramilitares de tercera generación." Antonio Menéndez of the Impunity Section of the UN High Commissioner's Colombia Office described these groups as direct heirs of paramilitarism.

The media's discourse was significantly less challenging of the state discourse on "new" armed groups. While Restrepo was extremely critical in his personal analysis of the state position and vocal in describing the historically hybrid nature of paramilitary groups, he explained that he usually calls these groups BACRIM in his articles. While he sometimes labels them "grupos derivados de las AUC," he noted that the editing process is extremely limiting. He explained that reporters must passively accept the institutional discourse; when they attempt to problematize the labeling process, strict deadlines and the journalistic principle of simply reporting "the facts" limit a more thorough analysis. Molinares cited journalistic objectivity and a refusal to become involved in politics as his reasons for calling the "new" armed groups by the individual names of their discrete blocs. Molinares, however, was also clear in critiquing the state's conceptualization of both the paramilitary phenomenon and "new" armed groups. While both journalists held powerful opinions that echoed civil society organizations' analyses, their positions as reporters limited their more open contestation of the state discourse. Their comments illustrate the limits of the process of labeling in explaining the phenomenon of "new" armed groups and the important role of contextualization in accurately conceptualizing these groups. The media's overall adherence to the official discourse underscores the

dominance of the state in influencing and shaping dominant societal attitudes and perceptions of reality.

In general, the media in Colombia is largely subjected to the state's official position. Despite the limitations of the profession that both Restrepo and Molinares cite, they seem to have comparatively more freedom to problematize the state discourse than other journalists representing mainstream news sources. This is because the Fundación Ideas para la Paz and the Open Society Foundations sponsor Verdad Abierta, the publication that Restrepo and Molinares represent.⁹ However, this is not applicable to the most visible media outlets. In Colombia, it is a powerful and rich minority that controls the mainstream media. In March of 2012, the richest man in the country, Luis Carlos Sarmiento, acquired the most important newspaper in the country, *El Tiempo*. He is also the owner of *El Colombiano*, another important newspaper with high readership in the Antioquia department. Political analyst María Elvira Samper questions whether a newspaper owned by an individual with high stakes in some of the most important banks in the country and with significant investments in agroindustry, the energy sector, and construction can truly be neutral in its reporting and analysis of events related to these topics ("Sarmiento compra *El Tiempo*").

Given Sarmiento's condition as a stakeholder in capital accumulation and his profit from projects promoted by neoliberal policy, it is unsurprising that the newspaper's reporting of the paramilitary phenomenon and of "new" armed groups does not significantly problematize the historical trajectory of paramilitarism or expose the true motives underlying "new" armed groups. The powerful Santos family also has partial

⁹ According to its mission statement, the Open Society Foundation aims "to strengthen the rule of law; respect for human rights, minorities, and a *diversity of opinions*; democratically elected governments; and a civil society that helps keep government power in check." ("Mission and Values," emphasis added).

ownership of this newspaper. This is the extended family of current President Juan Manuel Santos ("Sarmiento compra *El Tiempo*"). Santos was former President Uribe's defense minister during his second term in office and he currently maintains the discourse of "BACRIM" that the former president introduced after the paramilitary demobilization. As the example of these news sources shows, important political and economic actors actively control the official discourse and the deliberate silences of the media in Colombia, thus shaping the dominant societal perceptions and suppressing crucial information concerning the state and elite actors' vested involvement and complicity in violent paramilitarism.

The two state representatives interviewed were wary of calling these "new" armed groups by any name other than the official one of "BACRIM." When I pressed him on the issue, Luis Alberto Bonilla told me that the Ombudsman's office follows "el término de la ley" in naming these groups. He was emphatic, however, in saying that "los paramilitares siguen actuando y siguen generando víctimas." He drew a sharp distinction between the official view of the Ombudsman's office and his own analysis of the phenomenon. He felt the need to speak personally, rather than institutionally, in order to candidly address the continuity of the paramilitary phenomenon. For similar reasons, Fabio Ruiz espoused the government's label of "BACRIM" in his official capacity. Nonetheless, he spoke insistently about the continuity of the paramilitary phenomenon. Like Bonilla, he broke from his state position, speaking as a sociologist rather than a public official when contradicting the state's discourse. While some of the informants spoke more candidly than others, all emphasized the continuity of the paramilitary phenomenon after the 2005 demobilization. They cited current evidence of the factors that characterize paramilitary activity, particularly a *modus operandi* geared towards

profitmaking, a repertoire of human rights violations that obeys the logic of capital accumulation, and the complicity of the state in this action.

Informants began explaining paramilitary continuity by emphasizing the involvement of many paramilitaries in "new" armed groups. Teófilo Vásquez explained that "mandos medios que nunca se desmovilizaron" are the commanders of these groups. Molinares echoed Vásquez, saying that the groups are led by "los jefes medios que no se desmovilizaron." In an evaluation of one of the discrete blocs of these "new" armed groups, known as " Los Urabeños," Indepaz traces the history of its inception. Following the official demobilization of the paramilitary group *Bloque Elmer Cardenas* in 2006, commanded by Fredy Rendón Herrera, the leader's brother Daniel Rendón Herrera assumed leadership of the organization (Espitia 61). Currently, it is Daniel Antonio Usuaga that heads the organization. Usuaga, known by his alias of Otoniel, was a member of the AUC and a close ally of one of the AUC's founders, Vicente Castaño ("¿Quién es alias Otoniel?").

Informants also underscored the fact that the zones in which these groups act are historical paramilitary strongholds. In highlighting this information, they suggested the similarity in the economic motives that fuel both groups. Juan Diego Restrepo explained that the expansion of these "new" armed groups occurred "sobre la base de las viejas estructuras y territorios que [los paramilitares] dejaron afines." In emphasizing the strategic territorial control of these groups, Restrepo connected them to a long trajectory of paramilitarism, which from its inception during the *Violencia* period aimed at controlling important spaces for the benefit of elite economic actors. The map in Figure 1, created by the independent Colombian news source "La Silla Vacía," illustrates the

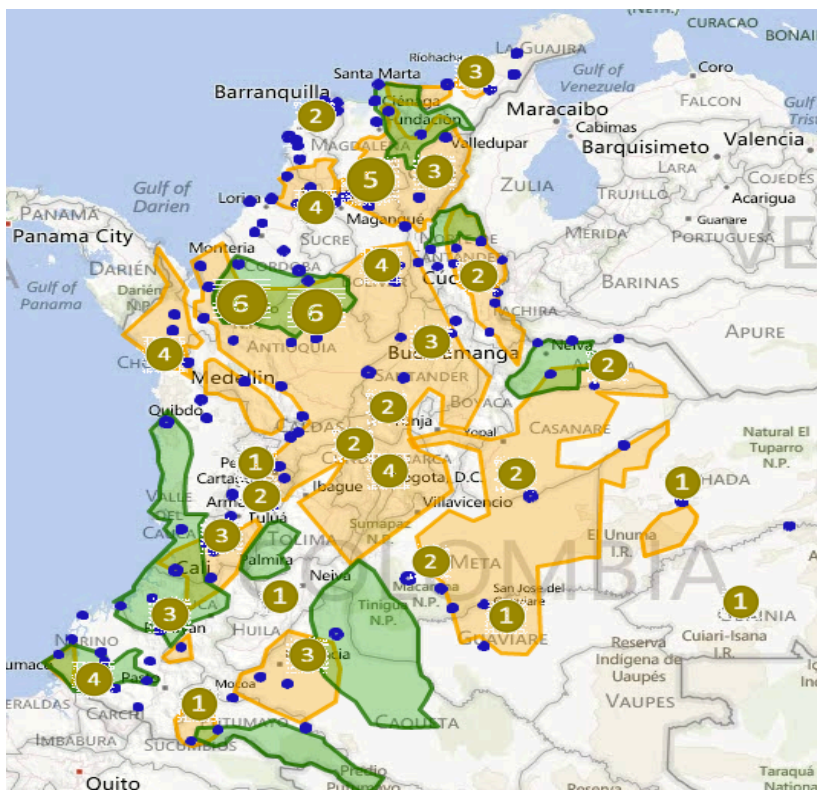


Figure 1: Paramilitary and BACRIM Territories

Orange- Municipalities affected by paramilitaries 2003-2006

Green- Areas Affected by Forced Displacement in 2010

Green Circles- Number of BACRIM operating in the department

Source- (Diaz 1)

convergence between AUC strongholds and the territories that these "new" armed groups control (Diaz 1).¹⁰

The particular territorial presence of these "new" armed actors reveals specific information about their particular economic pursuits and the complicity of private business actors in these groups' activities. An Indepaz report warns that these actors exert

influence in areas where "se proyecta la explotación de recursos mineros a gran escala por empresas transnacionales como la AngloGold Ashanti" (González-Perafán 43). Such strategic territorial presence suggests the implication of these armed groups in the process of accumulation of capital, a fact that alerts to their continued adherence to the creed of profitmaking that characterized the paramilitary project. Furthermore, the report suggests

¹⁰ La Silla Vacía is an important independent news source in Colombia specializing in investigative reporting on Colombian politics. In its website, the organization differentiates itself from mainstream news sources, saying: "La diferencia entre la Silla Vacía y los otros medios en los que he trabajado es que podemos contar todo lo que sabemos porque no tenemos amigos poderosos, ni intereses económicos que podamos afectar con nuestras historias" (Leon).

the sustained involvement of private businesses in the "new" phenomenon. The territorial presence of these groups also includes zones of strategic coca cultivation or exportation. As Figure 1 indicates, many of the areas of "new" armed group presence are zones with exits to the Pacific Ocean and Caribbean Sea, important ports for the export of narcotics. A report by the Corporación Arcoiris indicates that "la mayoría de los departamentos y municipios comprometidos en este tema [de las BACRIM] son corredores de narcotráfico o sencillamente zonas de interés dados los recursos naturales, bienes en materia de minerales y de madera con variedad de ríos y salidas al mar" (Arias 14). The strategic locations of these groups, which closely mirror the geographic presence of demobilized AUC paramilitaries, indicate the licit and illicit economic pursuits that motivate these groups' actions and their insertion into the process of capital accumulation.

The particular geographical presence of these "new" armed groups also reveals information about their links to the state apparatus. According to Indepaz, many of the zones of paramilitary presence are the same ones in which the government is carrying out its Plan of Territorial Consolidation ("Zonas de Consolidación y Grupos Armados" 33). This plan aims to establish state presence in areas where illegal armed groups have traditionally dominated; this implies primarily an increased incursion of military or police forces in these zones (Isacson 5). One of the most important aims of the plan is to transform conflict-ridden territories into areas that support economic growth and encourage international investment (*Reporte Ejecutivo: Plan Nacional de Consolidación* 4). In essence, the plan intends to stimulate neoliberal growth within these conflict zones, a venture that is highly problematic given the historical connections between paramilitarism and the project of capital accumulation. Indepaz indicates that 40 out of the 54 municipalities chosen for the implementation of the plan of territorial

consolidation are also zones of violence and illicit activity of "new" armed groups ("Zonas de Consolidación y Grupos Armados" 33).

Indepaz gives the specific example of the Montes de María region in the northwestern part of Colombia, located in the Bolivar and Sucre departments. While the think tank warns of the violent actions of "new" armed groups in this area, the Colombian government deemed the zone ready for increased rural agricultural development and international investment ("Zonas de Consolidación y Grupos Armados" 33). The correlation between "new" armed group violence and aggressive neoliberalization does not seem coincidental, given the proven links between neoliberal policies and paramilitary violence. Similar to the paramilitary era, the government continues to prioritize the economic endeavors of elite actors over the rights of civilians. The state's assertion that the Montes de María region is "safe" and ready for international investment, a statement contrary to evidence, shows the state's continued indifference in the face of human rights violations. In short, the example suggests the government's continued responsibility for the violations committed by these armed groups in the supposedly "post-demobilization" era.

HUMAN RIGHTS VIOLATIONS: A REPETITION OF HISTORY

In terms of human rights, informants all underscored the correlation between human rights violations of "new" groups and the *modus operandi* of paramilitaries. Federico Andreu was emphatic in saying that these groups commit the same crimes and human rights violations as paramilitaries. Cesar Molinares told me that these groups are not simply delinquents, but instead aim to control strategic territories by the use of violence. These "new" armed groups exert the same social control as paramilitaries, targeting anyone who gets in the way of their interests. Teófilo Vásquez denounced the

assassination of land restitution leaders as one of the characteristic human rights violations that these armed groups commit. The *fiscal*, Angélica Arias, and Carlos Espitia all echoed Vásquez in mentioning these specific targeted assassinations as characteristic of the "new" armed groups. Article 8 of the Justice and Peace law asserts victims' rights to reparations, including the restitution of their lands (*Ley 975 del 2005*). Nonetheless, illegal armed groups assassinated 66 land restitution leaders between 2005 and 2011 (Romero 115). More than half of these targeted assassinations took place in the Caribbean coast region, which--as Figure 1 illustrates-- is a traditional zone of paramilitary activity that is currently under the control of "new" armed groups (114). These land leaders, much like human rights defenders and other social groups during the paramilitary era, denounce the violent actions of these groups and organize to assert victims' rights.

Carlos Espitia included these land leaders as part of a longer list of social organizations that these "new" armed groups target. This deliberate attack of social organizations is in line with the paramilitary strategy of persecuting social movements, human rights workers, or civilian organizations that get in the way of these groups' economic interests. As part of this *modus operandi* of violence against social organizations, Espitia mentioned the continued practice of targeting labor unionists. The International Trade Union Confederation reports "480 violations of trade unionists' rights to life, freedom, and physical integrity in Colombia" in 2011 (*Colombia 2012*). Thirty-five unionists were assassinated in 2011, giving Colombia the notorious distinction of being the most dangerous place in the world to be a trade unionist. An overwhelming majority of the perpetrators of these violations are unknown, suggesting the widespread impunity for these violations and the state's inaction in terms of these violations. Out of those remaining, approximately 73% (104 total) of the violations "were perpetrated by

paramilitaries" (*Colombia 2012*). Interestingly, the International Trade Union Confederation maintains the term "paramilitary." In doing so, they suggest the failure of the demobilization process, and underscore the severity of the human rights violations that these groups commit. Violations against trade unionists are particularly indicative of the lack of success of the demobilization, given that they are a trademark violation committed by paramilitary groups in defense of the economic logic of neoliberalism and capital accumulation. The continued issue of violence against trade unionists underscores the persistent relevance of the economic project that paramilitarism promotes and defends.

Even more indicative of the continuity of paramilitary structures is the contemporary relevance of forced displacement to the actions of these armed groups. Andreu, Villalba, Peña, and the *fiscal* in Medellín all specifically mentioned agroindustrial projects, specifically the cultivation of African oil palm, as the business enterprises deeply implicated in paramilitary violence in the post-demobilization era. Indeed, the oil palm industry is an important part of the Colombian economy. In 2007, the country became the fifth largest producer of oil palm in the world and the largest producer of the crop in the hemisphere (Seeboldt and Salinas 18). Nonetheless, it is a systematic process of "accumulation by dispossession" that foment the growth and success of the oil palm industry. As the aforementioned example of oil palm production in the Pacific coast illustrates, this agricultural project has important historical connections to paramilitarism. During the paramilitary era, leader Vicente Castaño allied himself with oil palm *empresarios* to forcibly displace Afro-Colombian populations and make room for lucrative agricultural expansion (Camacho Guizado 37). Correlating with the most recent expansion of the oil palm business was an increase in the occurrence of forced displacement in the country. From 2007 to 2008, there was a 25% increase in

forced displacement, even though this period came after the demobilization of the actors that perpetrated most of the human rights violations in the country (Hristov, "Legalizing the Illegal" 13). The UN High Commissioner for Refugees warns that nearly 1400 displaced persons have been assassinated since 2007 (Romero 114). She alerts of the state's complicity in these murders, saying that out of every 200 denunciations of threats against displaced persons, the justice system only investigates one (114). This case is illustrative of Godoy's point; the state violates civilians' rights because of its inaction in the face of grave violations of human rights (621). The state permits the repetition of forced displacement through its policy of impunity.

Such a policy stems from the vested interests at stake that promote the endurance of the paramilitary phenomenon. According to sociologist Ricardo Vargas, one of most important reasons behind the failure of peace agreements is the "continued availability of rich natural resources" (215). As evidence demonstrates, gaining or maintaining control of such valuable natural resources implicates the violent actions of "new" armed groups. Specific cases of targeted assassinations and forced displacement in the fertile and bio diverse Chocó region within the context of the expanding oil palm industry underscore the links between control of valuable territory, the neoliberal project, and human rights violations committed by "new" armed groups. In the northwestern region of Chocó, 110 people have been killed or disappeared since the 1990s. These individuals were murdered for their efforts to reclaim the land from which paramilitaries forcibly displaced them in order to make way for oil palm production (Seeboldt and Salinas 24). In December of 2009, the Ombudsman's office denounced the presence of two "new" armed groups, the "Aguilas Negras" and the "Urabeños," in the fertile Curvaradó and Jiguamiandó regions of Chocó (*Curbaradó y Jiguamiandó* 3). Land restitution leaders in these regions have been victims of targeted assassinations in the last few years. These murders serve the

purpose of creating terror, forcing entire populations to flee from homes and abandon their valuable and resource-rich lands (Seeboldt and Salinas 25). The “need to find profitable terrains for capital-surplus production and absorption” shapes the project of capital accumulation, superseding the rights of communities to their land (Harvey, “The Right to the City” 24). In this case, oil palm corporations’ goal is to acquire valuable land at extremely low prices in order to expand their production capacity (Seeboldt and Salinas 25). Utilizing violence and fear to induce forced displacement represents an effective means to achieving this goal. The replication of the practices of paramilitaries in the Chocó region indicates the endurance of the paramilitary phenomenon and the continued complicity of private business and the capital accumulation process in fueling the armed conflict.

THE STATE'S COMPLICITY

Carlos Espitia criticized the policies and actions of current president Juan Manuel Santos. He explained that, while the president discursively highlights his intentions to restitute lands to victims of forced displacement, he endorses “la locomotora agraria, donde se piensa en megaproyectos, inversión extranjera, [y] el latifundismo.” The monoculture project of oil palm cultivation, which involves the violent actions of these “new” groups, is a part of this state-sponsored project of neoliberalism.¹¹ Espitia suggested that the historical precedence shows how the support of such economic projects is contrary to victims' rights. Espitia explained that the promotion of such projects and policies implied the state's tacit support for “new” armed groups. The state's

¹¹ The cultivation of oil palm is one of the government's projects of alternative development to combat the cultivation of illicit crops for the drug trade, particularly coca. Despite the history of violence accompanying monoculture projects such as oil palm cultivation, this crop substitution has become an important part of the US-funded Plan Colombia (Seeboldt and Salinas 22).

continued support for practices that historically necessitated paramilitary violence further indicates the persistent relevance of paramilitarism in Colombia.

When I asked Juan Diego Restrepo whether "new" armed groups had any links with the state--particularly the police or the armed forces--he laughed as he said "Claro. Por eso es que no hablan ni contigo ni conmigo!" I had just mentioned the fact it had been nearly impossible for me to establish contact with state agencies, particularly the police. I sought to interview a police representative because this is the state agency designated to confront these "new" armed groups, in accordance with the government's classification of these groups as actors of organized crime. Some police representatives did not respond to my email or phone requests, while others claimed that they were not familiar enough with the phenomenon of "new" armed groups to speak about it with me. In Medellín, a sergeant in the SIJIN, the investigative unit of the police, even went as far as telling me that these "new" armed groups ("BACRIM," as he called them) were not present in the city of Medellín. I knew that this was not true; through my research, I had found that the Urabeños bloc has a strong presence in the city (Casa de las Estrategias). Juan Diego Restrepo confirmed this fact in our interview. The state's general unwillingness to speak of --or even admit to the existence of-- the phenomenon of "new" armed groups seemed indicative of its general effort to wipe the rooted history of paramilitary violence from the official record. I sensed that state representatives were worried of incriminating their institutions if they discussed the current phenomenon or spoke of paramilitarism with me. It appeared that Uribe's speech forbidding any sort of mention of paramilitarism applied beyond the police to all government agencies. Refusing to speak of paramilitaries or "new" armed groups seemed a strategy to erase any memory of state complicity in violence. However, this silent consensus had the opposite effect. The government's nearly unanimous efforts at refusing to speak of paramilitary

violence and in concealing and wiping from the official discourse any sort of mention of state involvement seemed indicative of the magnitude and immense scope of state complicity in paramilitarism.

Informants were emphatic in highlighting the persistent ties between "new" armed groups and the state apparatus. Antonio Menéndez told me that "la convivencia sigue existiendo." Abilio Peña emphasized his organization's presence in local communities and assured me that he and his colleagues constantly witnessed police complicity with what he termed "paramilitary" activity. He recounted an anecdote of one of his friends, a land leader in Curvaradó, who had to leave the country because of constant threats against his personal safety. Peña discovered that it was a police officer that was coordinating his assassination, in conjunction with "paramilitary groups." Cesar Molinares, Carlos Prieto, and Angélica Arias all noted the complicity between these "new" armed groups and the armed forces and police. A report by the Corporación Arcoiris indicates that throughout 2011, numerous members of the armed forces and the police were arrested because of their links to "new" armed groups (Arias 19). Carlos Espitia also highlighted the fact that these groups coopt candidates in local politics, similar to the *parapolítica* phenomenon in the paramilitary era. The blue dots in Figure 1 represent the municipalities coded as "high risk" by the Ombudsman's office because of the presence of "new" armed groups during the 2010 elections. The map underscores the extent of penetration by "new" armed groups in local politics. Highlighting the possibly systematic nature of these practices is the fact that Colombian society utilizes the term *bacrimpolítica* to describe these links (*Romper los Nexos* 16). Concerns about the incursion of these groups into political processes are primarily in strategic zones of narcotrafficking and areas of economic importance to these groups (16). These examples make even clearer the current manifestations of a historical complicity between paramilitarism and the Colombian state.

Such collusion continues to be multifaceted, involving blatant complicity in illicit actions, tacit acceptance or inaction in the face of human rights violations, and the flagrant support for an economic project that foments violence.

While informants all underscored the continuity of the paramilitary phenomenon, many described the current period as a different stage, one that resembles earlier expressions of paramilitarism. Interviewees' assertions countered the state's arguments that "new" armed groups do not share with Colombian paramilitaries' the clear hierarchies that characterized the AUC. Cesar Molinares reminded me that paramilitary groups, at one point, were not unified. The unification did not come until the Castaño brothers created the umbrella organization of the AUC in 1996. Before this period, paramilitary groups were localized, much like "new" armed groups today. In order to emphasize this point, Teófilo Vásquez explained that "el conflicto armado...lo que sufrió fue un retroceso." Maria Victoria Fallon told me that, while these "new" armed groups are more local, they are on their way to becoming structurally identical to the nationally unified AUC. Carlos Espitia explained that "algunos grupos se consolidaron y...cooptaron el resto de las organizaciones pequeñas." Antonio Menéndez echoed the ideas expressed by Vásquez, Fallon, and Espitia, explaining that the process of consolidation is similar to the one that the AUC followed. According to Angélica Arias, the government conceals this similarity by simply claiming that the number of "BACRIM" groups is diminishing. However, evidence points to their consolidation, rather than a legitimate dismantling of these groups. In a recent report, Indepaz presented information concerning the composition of these "new" armed groups. Police reports indicate that the number of discrete "BACRIM" groups went from 16 in 2008 to 7 in 2011. Nonetheless, as Indepaz points out, police reports also show a marked increase in the membership of these groups in this same time period (Jimenez 52).

The localization of these armed groups directly following the paramilitary demobilization was an effective technique for detracting attention from the human rights problems that these "new" armed groups generate, their similarity to paramilitary groups, and their rooted connections to the state. This strategy is similar to one that Colombian narcotraffickers employed to detract attention from their actions. According to political analyst Michael Kenney, the successors to the Medellín and Cali drug cartels "learned from their predecessors and deliberately downsized their operations to avoid law enforcement attention" (191). Paramilitaries and the complicit state utilized the tactic of localization to conceal from the international community their illicit actions and the continuity of the paramilitary phenomenon. This effectiveness of localization has historical precedence in the case of Colombian paramilitarism. In 1991, the National Strategy Against Violence (*Estrategia Nacional Contra la Violencia*) classified local paramilitary groups not as distinct actors, but as actors of organized crime (Grajales 163). This classification effectively concealed these groups' larger political and economic dimensions and downplayed the systematic human rights violations they committed. The state's 2005 demobilization was a successful strategy to draw attention away from the systematic violence and human rights issues that characterize paramilitarism.

Carlos Espitia summarized informants' perspectives concerning the paramilitary phenomenon's continuity in the supposedly "post-demobilization" era, telling me that "hay mucho por que la paz no se haga en Colombia." Espitia underscored the vested economic and political interests at stake in the country, which foment violence for the sake of elite groups and at the expense of the grand majority of Colombians. In short, the structural factors that fuel paramilitary violence continue to be relevant. The process of capital accumulation continues to be a significant component of the state's economic policy. Evidence to this assertion is the state's even more forceful embrace of the

neoliberal project in the "post-paramilitary" era; in October of 2011 the United States Congress ratified the US-Colombia free-trade agreement (FTA) with the full support of the Colombian government (Gómez-Maseri). Through its policies, the state continues to be complicit in the actions of "new" armed groups. These "new" groups continue to control strategic territories of significant economic importance, engaging in legal and illegal forms of enrichment that are supported by a neoliberal framework. Moreover, these groups replicate paramilitary human rights abuses and the state continues to support a generalized policy of impunity for these violations. In sum, the evidence demonstrates that the label of "bandas criminales" falls short in the characterization of these "new" armed groups. Through a thorough contextualization of the phenomenon of "new" groups and a comparison to the motivations and actions of paramilitaries, the continuity of violent paramilitarism, in all its complex dimensions, becomes evident.

Chapter 4: Institutionalized Amnesia in Colombia

In December of 2011, members of the ERPAC (*Ejercito Revolucionario Popular Antisubversivo de Colombia*) agreed to demobilize. As the name itself indicates, the group maintained the counterinsurgent ideology that paramilitary groups claimed to uphold. However, breaking from its standard discourse concerning paramilitarism, the state did not recognize this group as one that upheld a specific political ideology. The ERPAC demobilization represented the first disbandment of one of the armed groups that the government classifies as 'BACRIM'. The important structural deficiencies evident in this demobilization mirrored the structural problems of the paramilitary peace process of 2005. This "new" group's legal treatment as a phenomenon of common delinquency exemplified the government's refusal to admit to its insertion into a complex history of paramilitarism, one with important political and economic underpinnings.

As a report from the International Crisis Group notes, the "ERPAC was always more than an ordinary criminal outfit," engaging in the same human rights violations as paramilitary groups and supported by the same "underlying criminal and corrupt structures" as these armed actors (*Dismantling Colombia's New Illegal Armed Groups* i). The ERPAC's composition shows continuity with its paramilitary predecessor, the *Bloque Centauros* of the AUC; the group is in the same strategic territory and maintains strong links with armed forces and the local government in the regions it controls (5). Its specific repertoire of human rights violations also reflects that of paramilitaries, including targeted assassinations and forced displacement, described in Chapter 2 as two of the signature violations of paramilitaries (5). Corresponding to paramilitary groups, the ERPAC is involved in both licit and illicit economic activities, including narcotics trafficking. The consolidation of these groups also "coincided with a boom...in oil

exploration and African Palm cultivation" (7). In short, the ERPAC shares the complex characteristics of paramilitary groups that the key informants described. Its *modus operandi* exemplifies a simultaneously criminal and political nature and the group benefits from connections to the state.

The International Crisis Group's analysis echoes that of the interviewees, underscoring the important repercussions of the state's linguistic misrepresentation of these "new" groups. The legal treatment of the ERPAC in the demobilization did not transcend the common crime implications of the word "BACRIM," failing to recognize the hybrid political and economic structures that fuel this "new" armed group and the group's implication in the exacerbation of human rights violations. The state processed the ERPAC for charges of "aggravated conspiracy and...illegal possession of arms," despite evidence of its implication in violations of human rights (*Dismantling Colombia's New Illegal Armed Groups* 11). As the Crisis Group stressed in its report, the common crime implications of the way the state classifies these "new" actors completely "delink the groups from the internal armed conflict" (6). The inadequate legal treatment of these "new" groups, based on the category of organized crime that the BACRIM label implies, shows the important effects of labeling and discourse on "social responses and actions" (Evans 1050). In this case, the government's imprecise label translated into legal action that did not reflect the true motivations and *modus operandi* of these armed actors. The Crisis Group concludes its report on the demobilization by underscoring the fact that "conflict dynamics" have not changed since the December 2011 demobilization because of the impunity in terms of the economic and political structures that sustain these armed actors (*Dismantling Colombia's New Illegal Armed Groups* 16). This impunity is a repetition of history, echoing the government's general lack of response to the human rights violations of paramilitaries and the overall impunity that characterized the Justice

and Peace process. The government's disregard for these serious violations underscores its responsibility in the exacerbation of the conflict. Its deliberate decision to exclude these "new" armed groups from the context of the armed conflict shows an overall unwillingness to accept or make public the systematically similar motivations of the conflict throughout its long history and, most importantly, its own implication in the civil conflict's prolongation. It is the government's semantic and conceptual misconstructions that shape memory concerning the armed conflict in Colombia. Given the state's influence on perceptions of reality, society continues to understand the *Violencia* period as an ideological battle between liberals and conservatives. Paramilitarism from the early 1980s to the 2005 demobilization is widely accepted as a similarly ideological conflict between the political left and right. The government conceptualizes the current era by utilizing a label that implies a complete break with a misrepresented paramilitary past. The current conceptualization of "new" armed groups is based on an institutionalized amnesia concerning the true trajectory of the armed conflict.

Towards the end of our interview, I asked the *fiscal* in Medellín to explain the reasons motivating the government's classification of these "new" armed groups as "BACRIM," despite the overwhelming contextual evidence pointing to the continuity of the paramilitary phenomenon. She explained that "al cambiarle el nombre al fenómeno, deja de existir." Abilio Peña echoed the *fiscal*, saying, "las palabras generan realidades y de tanto repetirlas todo el mundo termina creyendo que no hay paramilitares." In a similar manner, María Victoria Fallon underscored the importance of semantics to the government's institutionalized policy of forgetting. She told me that the government manipulates language "para justificar un proceso de desmovilización que no lo fue." The removal of the word "paramilitary" from the official discourse cements the state's misleading and oversimplified definition of the phenomenon, allowing for the obscuring

of the true motivations of paramilitarism. Additionally, the removal of the term from the state's discourse allows the government to disassociate itself from information that was slowly coming to light about its deep involvement with paramilitarism and its consequent role in fueling the armed conflict. While the state's power in defining labels and societal perceptions limited the word "paramilitary" to a counterinsurgency project, the demobilization process allowed for the revelation of the true complexity of the paramilitary phenomenon and the government's institutionalized involvement. In response, the state utilized its hegemonic position in discourse construction to conceal its complicity. By semantically closing the paramilitary chapter through the introduction of the BACRIM concept, the government attempted to impede speculation into the true nature of the paramilitary phenomenon, in this way obscuring its own implication in a history characterized by human rights violations against its own citizens.

Despite the state's attempt at silencing alternative discourses about the conflict, Colombian civil society refuses to passively accept the hegemonic story concerning the armed conflict. Informants utilized contextualization to challenge the state's influential discourse concerning paramilitarism's roots, causes, and culprits. In problematizing the state-formed conceptualizations of the armed conflict, informants revealed the true motivations and catalysts of paramilitarism and the important role of the state in promoting the conflict. Through their examination of the extensive trajectory of paramilitarism, interviewees inserted the phenomenon into a long-standing political and economic project of capital accumulation in defense of elite interests. From the *pajaros* in the *Violencia* period to the MAS and the unified AUC, and the "new" armed actors known officially as BACRIM, these groups are the defenders and executors of a violent model of capitalist accumulation for the benefit of a select political and economic elite. The state, through its actions, inaction, and complete silence concerning paramilitary

violence, is a key player in stimulating violence and, ultimately, in fueling the armed conflict.

As I reflect on the intense debate I witnessed two years ago, I understand the high stakes involved in the process of naming in Colombia. Labeling these "new" armed groups BACRIM implies the complete success of the paramilitary demobilization process. In removing the word paramilitary from Colombian reality, the government attempts to prevent productive and important analysis into the roots of the paramilitary phenomenon. In insisting on naming these "new" groups 'paramilitaries,' civil society organizations aim to change the connotations of the word to reflect the historical reality, alerting to the state's immense complicity in the phenomenon and the powerful economic and political issues that sustain paramilitarism. Informants agreed that the misrepresentation of paramilitarism in Colombia has extremely high costs for human rights and the principle of non-repetition of violence. The government's deliberately inaccurate representation of the paramilitary phenomenon and lack of recognition of the structural connections between the previous phenomenon and the current one constitute a deliberate "amnesia," as María Victoria Uribe describes it (6). As she explains, "both a lack of symbolization and the suppression of traumatic events from the past have been decisive factors in the ability of paramilitary groups to reprise the heinous crimes committed by liberal and conservative *bandoleros* during *La Violencia*" (Uribe 6). The institutionalized process of forgetting, which the government facilitates through inaccurate naming and decontextualization, continuously fuels the armed conflict, allowing for the constant recurrence of violence.

When I asked her opinion on the proper responses to these "new" groups, María Victoria Fallon explained, "cuando no se acepta un problema, la solución es imposible." The state's language shift from 'paramilitaries' to 'BACRIM' represents this deliberate

denial of the continuity of the structures that fuel the paramilitary phenomenon. Based on their understanding of the power of discourses in shaping societal responses, informants insisted on the need for linguistically and formally accepting the continuity of paramilitarism. At the same time, the informants' reliance on detailed contextualization of paramilitarism's history demonstrates the importance of questioning the labeling process and recognizing the power relations involved in discourse creation. As the key informants exemplified through their accounts, it is extremely important to move towards the creation of a narrative that more clearly shows the motivations behind Colombian paramilitarism. By contesting the state discourse and questioning the state's binary categories, which are incompatible with the extremely complex reality, key informants focused on the contextual evidence that points to the continuity of the paramilitary phenomenon. In disputing the state's classifications by means of nuanced contextualization, they actively engaged in a renegotiation of historical memory, in this way taking concrete steps to combat the amnesia that has defined the (mis)representation of paramilitarism in Colombia.

When I asked Reinaldo Villalba to elaborate on his motivations in denouncing the continuity of paramilitarism in Colombia and challenging the state-formed conceptualization of the paramilitary phenomenon, he explained that his organization prioritizes the investigation and denunciation of crimes and violations for which the state is, by action or inaction, responsible:

Nosotros tenemos una opción preferencial por las víctimas de crímenes de estado. ¿Y por qué? Porque son las más vulnerables. Porque el estado maneja más sus recursos de impunidad frente a los crímenes cometidos por el propio estado. Ahí está la vulnerabilidad también. Más desprotegidas. Más excluidas. Incluso, negadas. Álvaro Uribe durante todo su mandato dijo que no habían víctimas de crímenes de estado. Y por eso nosotros tenemos una opción preferencial por las

víctimas de estado. Eso es abiertamente dicho y nosotros tenemos ese derecho a escogerlo.

Many other organizations echoed Villalba's comment, recognizing the state's immense power in influencing societal perceptions of reality and in concealing its own illegitimate actions. Their contestation of the state discourse through a thorough historical analysis of the trajectory of paramilitarism represents an important step in keeping the state accountable. Through their tireless work, these organizations bravely defy the state's powerful hegemonic position in constructing (and misconstruing) historical memory. Through their rejection of oversimplified classifications, these organizations attempt to make sense of violence in Colombia. Furthermore, they advocate for the right to truth, justice, and reparation necessary to the legitimate demobilization of paramilitarism. In exposing paramilitarism's true motives, they take the steps necessary for the non-repetition of violence. By refusing to passively accept the hegemonic discourse created by a state with a proven interest in the prolongation of the armed conflict, these actors are part of a productive process of creating a narrative that pieces together a recollection that accurately represents the conflict. A more nuanced understanding of the conflict will allow for more appropriate actions for combatting the factors that generate violence in Colombia. In contributing to this process of societal acceptance of the true structures of violence, these actors become an essential part of Colombia's painful recovery from the state of amnesia that has afflicted the country throughout its civil conflict.

Appendix A: Interview List

1. Carlos Espitia, Instituto de Estudios de Desarrollo y Paz. Bogotá, Colombia. June 14, 2012.
2. Antonio Menéndez, Impunity Section, UN High Commissioner for Human Rights. Bogotá, Colombia. June 15, 2012.
3. Angélica Arias, Corporación Nuevo Arco Iris. Bogotá, Colombia. June 19, 2012.
4. Teófilo Vásquez, Centro de Investigación y Educación Popular. Bogotá, Colombia. June 20, 2012.
5. Abilio Peña, Comisión Intereclesial de Justicia y Paz. Bogotá, Colombia. June 21, 2012.
6. Reinaldo Villalba, Colectivo de Abogados José Alvear Restrepo. Bogotá, Colombia. June 22, 2012.
7. Carlos Prieto, Fundación Ideas para la Paz. Bogotá, Colombia. June 25, 2012.
8. César Molinares, Verdad Abierta. Bogotá, Colombia. June 25, 2012.
9. Federico Andreu, Comisión Colombiana de Juristas. Bogotá, Colombia. June 26, 2012.
10. Fabio Ruiz, Programa Presidencial para la Protección y Vigilancia de los Derechos Humanos y el Derecho Internacional Humanitario. Bogotá, Colombia. June 27, 2012.
11. Luis Alberto Bonilla, Defensoría del Pueblo de la Nación. Bogotá, Colombia. June 27, 2012.
12. María Victoria Fallon, Grupo Interdisciplinario por los Derechos Humanos. Medellín, Colombia. August 10, 2012.

13. Juan Diego Restrepo, Verdad Abierta. Medellín, Colombia. August 13, 2012.
14. Anonymous Fiscal, Seccional Medellín- Fiscalía General de la Nación. Medellín, Colombia. August 21, 2012.

Appendix B: Interview Guide

1. Please describe the work of the organization that you represent or describe your profession (if no affiliation to the state or to an NGO).

Por favor describa la labor de la organización a la cual usted representa o describa su profesión (si no tiene ninguna afiliación al estado o a una ONG).

2. Describe the principal developments in the armed conflict in Colombia in the last 10 years.

Describe los principales desarrollos del conflicto armado en Colombia en los últimos 10 años

3. How has the armed conflict changed after the “Justice and Peace” process?

Después del proceso de Justicia y Paz, como se modificó el conflicto armado?

4. What is the position of the state regarding demobilized paramilitaries?

Cual es la posición del estado respecto a los desmovilizados?

5. Has the military’s role in the conflict changed?

Ha cambiado la posición del ejército en el conflicto?

6. Was paramilitarism effectively dismantled?

Se desarticuló efectivamente el paramilitarismo?

7. Has there been news of demobilized paramilitaries returning to the conflict?

Han habido noticias de desmovilizados que se han reinsertado en el conflicto?

8. If yes, do they join other groups? Which groups?

Si si, se juntan a otros grupos? A que grupos?

9. Have new armed groups emerged after the “Justice and Peace” process?
Han surgido nuevos grupos armados después del proceso de Justicia y Paz?
10. If yes, What is the *modus operandi* of these groups?
Si si, cual es el modus operandi de estos grupos?
11. (If yes to 9) Do they have a specific end or an ideology?
(Si si a la 9) Tienen algún fin específico o alguna ideología?
12. (If yes to 9) What are the main issues that these groups generate?
(Si si a la 9) Cuales son los principales problemas que estos grupos generan?
13. (If yes to 9) (If the participant represents a state agency or NGO) What is your organization’s/institution’s position regarding these groups?
(Si si a la 9) (Si el informante representa a una agencia estatal o a una ONG) Cual es la posición de su organización/institución respecto a estos grupos?
14. Can you describe the current human rights situation in the country?
Puede describir la situación actual de derechos humanos en el país?
15. Are there differences between president Uribe and President Santos in terms of human rights in the country?
Existen diferencias entre el presidente Uribe y el presidente Santos respecto a los derechos humanos en el país?
16. Do you have any other comments on any of the topics we discussed?
Tiene algún otro comentario sobre cualquiera de los temas que hemos discutido?

Works Cited

- Arias, Angélica. "Las BACRIM Retan a Santos." *Arcanos* Jan. 2012 : 4–35. Print.
- Brenner, Neil, and Nik Theodore. "Cities and the Geographies of 'Actually Existing Neoliberalism'." *Antipode* 34.3 (2002): 349–379. *Wiley Online Library*. Web. 6 Dec. 2012.
- Camacho Guizado, Alvaro. "Paranarcos y Narcoparas: Trayectorias Delincuenciales y Políticas." *A La Sombra De La Guerra: Ilegalidad Y Nuevos Órdenes Regionales En Colombia*. Ed. Álvaro Camacho Guizado. Bogotá: Universidad de los Andes, 2009. Print.
- Casa de las Estrategias. "Los Urabeños y La Evolución Del Asco." *La Silla Vacía* 13 Jan. 2012. Web. 26 Apr. 2013.
- Chalmers, James, and Fiona Leverick. "Fair Labelling in Criminal Law." *The Modern Law Review* 71.2 (2008): 217–246. *Wiley Online Library*. Web. 23 Apr. 2013.
- Chernick, Marc W. "The Paramilitarization of the War in Colombia." *NACLA Report on the Americas* 31.5 (1998): 28. Print.
- Chomsky, Aviva. "Globalization, Labor, and Violence in Colombia's Banana Zone." *International Labor and Working-Class History* 72.01 (2007): 90–115. *Cambridge Journals Online*. Web. 6 Dec. 2012.
- Colombia 2012 Annual Survey of Violations of Trade Union Rights*. ITUC CSI IGB, 2012. Web. 10 Apr. 2013.
- Colombia: La Metáfora Del Desmantelamiento de Los Grupos Paramilitares*. Bogotá, D.C.: Coljuristas, 2010. Print.

Curbaradó y Jiguamiandó- El Reto Sigue Vigente: La Restitución de Tierras. PBI Colombia, 2011. Web. 4 Apr. 2013.

"De La Seguridad a La Prosperidad Democrática En Medio Del Conflicto. Bogotá, Quito: CODHES, 2011. Web. 14 Feb. 2013.

Decreto Número 2374 de 2010. 2010. Web. 25 Feb. 2013.

Díaz, Luisa Fernanda. "Las Bacrim de Hoy Coinciden Con Los Paras de Ayer." *La Silla Vacía* 16 Mar. 2011. Web. 11 Feb. 2013.

Dismantling Colombia's New Illegal Armed Groups: Lessons from a Surrender. International Crisis Group, 2012. Web. 2 Mar. 2013.

Espitia, Carlos. "Los Urabeños No Son Simples Bacrim." *Punto de Encuentro* Mar. 2012 : 59–64. Print.

Evans, Tony. "International Human Rights Law as Power/Knowledge." *Human Rights Quarterly* 27.3 (2005): 1046–1068. Web. 13 Feb. 2013.

Fernández, José Antonio. "Colombia: El Laberinto Del Segundo Mandato de Uribe." *Política Exterior* 20.112 (2006): 117–130. *JSTOR*. Web. 23 Apr. 2013.

Forero, Jorge Enrique. *Economía Política Del Paramilitarismo Colombiano*. Quito: FLACSO, 2012. Print.

García-Godos, Jemima, and Knut Andreas O. Lid. "Transitional Justice and Victims' Rights Before the End of a Conflict: The Unusual Case of Colombia." *Journal of Latin American Studies* 42.03 (2010): 487–516. *Cambridge Journals Online*. Web. 23 Apr. 2013.

- Gill, Lesley. "Labor and Human Rights: The 'Real Thing' in Colombia." *Transforming Anthropology* 13.2 (2005): 110–115. *Wiley Online Library*. Web. 29 Nov. 2012.
- Godoy, Angela Snodgrass. "'La Muchacha Respondona': Reflections on the Razor's Edge Between Crime and Human Rights." *Human Rights Quarterly* 27.2 (2005): 597–624. *JSTOR*. Web. 23 Apr. 2013.
- Gómez-Maseri, Sergio. "Congreso de EE. UU. Ratificó El TLC." *eltiempo.com* 13 Oct. 2011. Web. 6 Dec. 2012.
- González, Fernán. "Conflicto Violento En Colombia: Una Perspectiva de Largo Plazo." *Controversia* Feb. 2004 : 10–17. Web. 3 Apr. 2013.
- González-Perafán, Leonardo. "Minería Ilegal y Paramilitarismo." *Punto de Encuentro* Mar. 2012 : 43–48. Print.
- Grajales, Jacobo. "El proceso de desmovilización de los paramilitares en Colombia: entre lo político y lo judicial." *Revista Desafíos* 23.2 (2011): 149–194. Print.
- Harvey, David. *A Brief History of Neoliberalism*. Oxford: Oxford UP, 2007. Print.
- . *The New Imperialism*. Oxford: Oxford UP, 2003. Print.
- . "The Right to the City." *The New Left Review* 53 (2008): 23–40. Web. 30 Nov. 2012.
- . "Time-Space Compression and the Postmodern Condition." *The Global Transformations Reader*. Ed. David Held & Anthony McGrew. Cambridge: Polity, 2000. 82–91. Print.
- Hillyard, Paddy. "Political Crime." Ed. Eugene McLaughlin & John Muncie. *The SAGE Dictionary of Criminology* 23 Oct. 2012. *Google Books*. Web. 25 Mar. 2013.
- Hristov, Jasmin. *Blood and Capital: The Paramilitarization of Colombia*. Athens: Ohio University Press, 2009. Print.

- . "Legalizing the Illegal: Paramilitarism in Colombia's 'Post-Paramilitary' Era." *NACLA Report on the Americas* 42.4 (Aug2009): 12–39. Web. 5 Nov. 2012.
- . "Self-Defense Forces, Warlords, or Criminal Gangs? Towards a New Conceptualization of Paramilitarism in Colombia." *Labour, Capital & Society* 43.2 (2010): 13–56. Web. 4 Nov. 2012.
- Informe Anual de La Alta Comisionada de Las Naciones Unidas Para Los Derechos Humanos, Adición: Informe de La Alta Comisionada Para Los Derechos Humanos Sobre La Situación de Los Derechos Humanos En Colombia*. Asamblea General de las Naciones Unidas, 2013. Web. 28 Apr. 2013.
- "Investigan a Incoder, Notarías y Fondo Ganadero de Córdoba Por Despojo." *Verdad Abierta* 20 Nov. 2012. Web. 19 Apr. 2013.
- Isacson, Adam. *Consolidating Consolidation*. Washington Office on Latin America, 2012. Web. 22 Apr. 2012.
- Jiménez, Juan Carlos. "Detrás de Las Cifras Oficiales." *Punto de Encuentro* Mar. 2012 : 49–58. Print.
- Karlberg, Michael. "The Power of Discourse and the Discourse of Power: Pursuing Peace Through Discourse Intervention." *International Journal of Peace Studies* 10.1 (2005): 1–23. Web. 9 Mar. 2013.
- Kenney, Michael. "From Pablo to Osama: Counter-terrorism Lessons from the War on Drugs." *Survival* 45.3 (2003): 187–206. *Taylor and Francis+NEJM*. Web. 24 Apr. 2013.
- Kirk, Robin. "A Meeting with Paramilitary Leader Carlos Castaño." *NACLA Report on the Americas* 31.5 (1998): 30. Web. 16 Mar. 2013.

León, Juanita. "Preguntas Frecuentes." *La Silla Vacía* 29 July 2011. Web. 15 Apr. 2013.

Ley 975 de 2005. 2005. Web. 6 Apr. 2013.

Lozano, Juan José. *Impunity*. 2010. Film.

Marx, Karl. *Capital; a Critique of Political Economy*. Trans. Samuel. Moore & Edward B. Aveling. Vol. 1. Chicago: C. H. Kerr & company, 1895. *Hathi Trust*. Web. 29 Apr. 2013.

"Mission and Values." *Open Society Foundations*, n.d. Web. 23 Apr. 2013.

"Muerte a Secuestradores MAS: Los Orígenes Del Paramilitarismo." *Verdad Abierta* 23 Sept. 2011. Web. 25 Mar. 2013.

Oslender, Ulrich. "Violence in Development: The Logic of Forced Displacement on Colombia's Pacific Coast." *Development in Practice* 17.6 (2007): 752–764. *JSTOR*. Web. 27 Apr. 2013.

Peet, Richard. "Neoliberalism." Ed. Tim Forsyth. *Encyclopedia of International Development* 1 July 2011 : n. pag. Print.

---. *Unholy Trinity: The IMF, World Bank, and WTO*. New York: Zed Books, 2003. Print.

Porch, Douglas, and Maria Jose Rasmussen. "Demobilization of Paramilitaries in Colombia: Transformation or Transition?" *Studies in Conflict & Terrorism* 31.6 (2008): 520–540. *EBSCOhost*. Web. 6 Dec. 2012.

"¿ Quién es Alias Otoniel, el Jefe de la Temida Banda Criminal 'Los Urabeños'?" *El País* 26 Nov. 2012. Web. 5 Apr. 2013.

Reporte Ejecutivo: Plan Nacional de Consolidación. Presidencia de la República de Colombia y Centro de Coordinación de Acción Integral, 2012. Print.

Roldan, Mary. *Blood and Fire: La Violencia in Antioquia, Colombia, 1946-1953*. Durham: Duke University Press, 2002. Print.

Romero, Mauricio. "Restitución de Tierras en la Costa: Muchas Iniciativas, Sombríos Augurios." *Arcanos* Jan. 2012 : 112–123. Print.

Romper Los Nexos Entre Crimen y Política Local: Las Elecciones de 2011 en Colombia. International Crisis Group, 2011. Web. 26 Apr. 2013.

Rueda, María Helena. *La Violencia y Sus Huellas. Una Mirada Desde La Narrativa*. Iberoamericana / Vervuert, 2011. Print.

Saab, Bilal, and Alexandra Taylor. "Criminality and Armed Groups: A Comparative Study of FARC and Paramilitary Groups in Colombia." *Studies in Conflict & Terrorism* 32.6 (2009): 455–475. *EBSCOhost*. Web. 4 Feb. 2013.

¿ Salto Estratégico o Salto Al Vacío?: *El Desplazamiento Forzado En Los Tiempos de La Seguridad Democrática*. Bogotá: CODHES, 2010. Web. 9 Mar. 2013.

"Sarmiento Compra *El Tiempo*." *Semana*. 17 Mar. 2012. Web. 20 Apr. 2013.

Seeboldt, Sandra, and Yamile Salinas. *Responsibility and Sustainability of the Palm Oil Industry*. Oxfam Novib/Indepaz, 2010. Web. 13 Nov. 2012.

Sin Justicia y Sin Paz: Verdad Fragmentada, Reparación Ausente. Bogotá, D.C.: Colectivo de Abogados José Alvear Restrepo, MOVICE, CSPP, 2009. Print.

SINALTRAINAL Vs. Coca Cola. 2009. Web. 25 Nov. 2012.

Starr, Amory. *Naming the Enemy: Anti-Corporate Social Movements Confront Globalization*. Zed Books, 2001. Print.

- Sukys, Paul Andrew. "Dehumanizing the Humanities: Neoliberalism and the Unethical Dimension of the Market Ethic." *Forum on Public Policy: A Journal of the Oxford Round Table* (2009): n. pag. Gale. Web. 23 Apr. 2013.
- The Struggle for Workers' Rights in Colombia*. Solidarity Center, 2006. Web. 27 Nov. 2012.
- Uribe, María Victoria. "Memory in Times of War." *Public Culture* 21.1 (2009): 3–7. Web. 24 Apr. 2013.
- Uribe Vélez, Alvaro. "Palabras Del Presidente Alvaro Uribe Vélez Durante La Transmisión de Mando de La Policía Nacional Al General Oscar Naranjo Trujillo." Bogotá, D.C. 18 May 2007. Address. Web. 29 Mar. 2013.
- Vargas, Ricardo. "Economías de Guerra y Control de Territorios: Illegalidad y Reconfiguración Del Poder En El Sur de Córdoba y Montes de María." *A La Sombra de La Guerra: Ilegalidad y Nuevos Órdenes Regionales En Colombia*. Ed. Álvaro Camacho Guizado. Bogotá: Universidad de los Andes, 2009. 213–291. Print.
- Velásquez, Edgar de Jesús. "Historia Del Paramilitarismo En Colombia." *História (São Paulo)* 26.1 (2007): 134–153. *SciELO*. Web. 23 Apr. 2013.
- Wilson, Richard A., ed. "Representing Human Rights Violations: Social Contexts and Subjectivities." *Human Rights, Culture and Context: Anthropological Perspectives*. Pluto Press, 1999. 134–160. Print.
- Zarate-Laun, Cecilia. "Colombia's Paramilitaries in Historical Perspectives: Closing the Circle of Violence." *Against the Current* Dec. 2001. *ProQuest*. Web. 22 Nov. 2012.
- "Zonas de Consolidación y Grupos Armados." *Punto de Encuentro* Mar. 2012 : 26–36. Print.